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Attorneys for Plaintiffs
MADISON CAPITAL MANAGEMENT, LLC, and
MADISON LIQUIDITY INVESTORS, LLC

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

MADISON CAPITAL MANAGEMENT,
LLC, a Foreign Limited Liability
Company; MADISON LIQUIDITY
INVESTORS, LLC, a Foreign Limited
Liability Company,

Plaintiffs,

v.

YAHOO! INC., a Delaware Corporation,

Defendant.

Case No. 5:08-mc-80117-JW

[Honorable James Ware]

**NOTICE OF MOTION AND MOTION TO
COMPEL COMPLIANCE WITH
SUBPOENA; MEMORANDUM OF
POINTS AND AUTHORITIES; REQUEST
FOR ATTORNEY FEES; DECLARATION
OF PETER J. KORNEFFEL, JR.;
[PROPOSED] ORDER**

Date: September 22, 2008

Time: 9:00 a.m.

Courtroom: 8

PLEASE TAKE NOTICE that on September 22, 2008, at 9:00 a.m., or as soon thereafter
as the matter may be heard by the above-entitled Court, located at 280 South 1st Street, San Jose,
California, Plaintiffs Madison Capital Management, LLC (õMadisonö), a Nevada Limited Liability
Company, and Madison Liquidity Investors, LLC (õMadison Liquidityö), a Delaware limited
liability company, hereby move this Court, pursuant to Fed. R. Civ. P. 45, to compel Yahoo! Inc.
(õYahooö), a Delaware corporation, to comply with the subpoena issued by this Court and produce
all information regarding the registrant for a fraudulent website (the õRegistrantö), which is hosted
by Yahoo.

///

///

1 This motion is based on this notice; the Memorandum of Points and Authorities in support of
2 this motion and on any oral argument presented to or requested by the court on hearing of this
3 matter.

4 Dated: June 18, 2008

BROWNSTEIN HYATT FARBER
SCHRECK, LLP

6
7 By: /S/
ERIC BERG
Attorneys for Plaintiffs
MADISON CAPITAL MANAGEMENT,
8 LLC, AND MADISON LIQUIDITY
9 INVESTORS, LLC
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BROWNSTEIN HYATT FARBER SCHRECK, LLP
21 East Carrillo Street
Santa Barbara, CA 93101

MEMORANDUM OF POINTS AND AUTHORITIES

I. INTRODUCTION

Madison Capital Management, LLC (öMadisonö), a Nevada Limited Liability Company, and Madison Liquidity Investors, LLC (öMadison Liquidityö), a Delaware limited liability company, hereby move this Court, pursuant to Fed. R. Civ. P. 45, to compel Yahoo! Inc. (öYahooö), a Delaware corporation, to comply with the subpoena issued by this Court and produce all information regarding the registrant for a fraudulent website (the öRegistrantö), which is hosted by Yahoo. Madison served Yahoo with the subpoena on June 2, 2008. The subpoena required Yahoo to provide Madison information regarding the Registrant by June 10, 2008. Madison has not yet received such information regarding the Registrant from Yahoo and Yahoo's failure to comply with a validly issued subpoena has caused Madison to incur additional legal expenses.

II. CERTIFICATE OF CONSULTATION

Pursuant to Fed. R. Civ. P. 45, Fed. R. Civ. P. 37, and Local Rule 37-1, counsel for Madison certifies that it conferred in good faith with Yahoo's counsel on June 12, 2008, in an effort to secure Yahoo's compliance with its obligations under the Court's subpoena. Yahoo's counsel stated that it would heed its own internal policy rather than the Court's subpoena and delay providing the information regarding the Registrant until notice had been provided to the Registrant, and the Registrant had received proper time to seek a protective order regarding the disclosure of such information. Filed concurrently with the Motion is the Declaration of Peter J. Korneffel, Jr. outlining Plaintiffs' efforts to obtain a non-judicial resolution of this dispute.

III. FACTS

1. Madison is a professional investment and financial service company with a long standing reputation in the financial services market. Madison markets its services via its website, which is located at the domain name, www.madisoncap.com (the öMadison Websiteö). The Madison Website describes Madison's history, business, and philosophy.

2. Madison Liquidity advertises its services and posts its employment opportunities at its website, which is located at the domain name, www.madisonliquidity.com (the öMadison

1 Liquidity Websiteö). The Madison Liquidity Website describes Madison's history, business, and
2 philosophy.

3 3. Madison is the current owner of the entire right, title and interest in the materials
4 located on the Madison Website and the Madison Liquidity Website.

5 4. As part of their suite of internet services, Yahoo offers web hosting services for
6 individuals or entities who desire to maintain a website.

7 5. Upon information and belief, beginning some time in May of 2008, Yahoo
8 commenced hosting the website located at the domain name, www.madisonliq.com (the "Deceptive
9 Siteö). The Deceptive Site and the materials thereon purported to be owned in the name of
10 "Madison Liquidity Investors, LLC," something that is not true. In reality, the Deceptive Site does
11 not represent a real company or business and used Madison Liquidity's name, likeness, information,
12 and rights. The Deceptive Site was specifically designed to deceive visitors into believing that the
13 website represents the legitimate Madison entities, including Madison Liquidity, and to deceive
14 visitors into providing personal information for illicit purposes.

15 6. Upon investigation, Madison learned that the Deceptive Site was part of an ongoing
16 scheme by the Registrant to knock-off legitimate websites to obtain improperly personal
17 information from visitors to the website. The Registrant of the Deceptive site has other similar sites
18 that squat on other companies' trade information and seek to deceive visitors into providing personal
19 information.

20 7. On May 14, 2008, Madison notified Yahoo of the Registrant's scheme and sent a
21 Notice of Claimed Infringement with respect to the Deceptive Site. A copy of the Notice is
22 attached as Exhibit A. Recognizing that the Deceptive Site was fraudulent, Yahoo, on May 22,
23 2008, shut down the Deceptive Site.

24 8. Due to the serious nature of this conduct, Madison has endeavored to locate the
25 parties responsible for the Deceptive Site so that it can notify the proper authorities and take legal
26 action. To be successful, however, in locating the Registrant, speed is important before the
27 Registrant disappears forever. Accordingly, on May 30, 2008, the U.S. District Court for the
28 Northern District of California issued a subpoena to Yahoo (the "Subpoenaö) on behalf of Madison.

1 A copy of the Subpoena is attached hereto as **Exhibit B**. The Subpoena required Yahoo to produce
 2 all information sufficient to identify, locate and contact the Registrant and/or owner of the
 3 Deceptive Site by June 10, 2008. The Subpoena was served on Yahoo on June 2, 2008.

4 9. On June 12, 2008, two days after the Registrant information was due and owing,
 5 counsel for Madison contacted counsel for Yahoo. Although Yahoo recognizes that the Deceptive
 6 Site was fraudulent, Yahoo's counsel informed counsel for Madison that the information had not
 7 been provided by the June 10, 2008 deadline set forth in the Subpoena because of Yahoo's
 8 undisclosed internal policy, which purportedly requires the company to provide its registrants 15
 9 days notice to seek a protective order regarding the disclosure of their information. Yahoo's
 10 counsel stated that Yahoo would not comply with the Subpoena and provide the Registrant
 11 information until the 15-day notice period had passed. A copy of Yahoo's June 13, 2008 email is
 12 attached as **Exhibit C**.

13 IV. ARGUMENT

14 Yahoo has elected to comply with its own internal policy rather than Rule 45 of the Federal
 15 Rules of Civil Procedure. The subpoena is valid. It was properly issued by the Court and seeks
 16 discoverable information about the identity and location of the Registrant so that Madison can
 17 protect its rights. Further, the Subpoena's requirements are clear: Yahoo is to provide, "Any and all
 18 documents and information sufficient to identify, locate and contact the Registrant and/or owner of
 19 the website located at the domain name, "www.madisonliq.com" as described in the attached Notice
 20 of Claimed Infringement of www.madisonliq.com (Ref. No. KMM89903547V15454L0KM),
 21 including, but not limited to, correspondence, e-mails, proposals, contracts, invoices and/or
 22 statements." See **Exhibit B**.

23 Yahoo did not object or respond to the subpoena by the June 10 return date, but instead
 24 claimed, after the fact, that it had not complied with the subpoena due to its own internal policy.
 25 When asked about these policies, Yahoo refused to provide Madison a copy of the policies.

26 Yahoo's objections are not timely or proper. Under Rule 45, Yahoo was obligated to submit
 27 any written objections before the subpoena's return date. Yahoo's letter came three days after the
 28 response was due, and only after Madison tried to confer with Yahoo concerning its failure to

1 respond to the subpoena. Moreover, Yahoo's undisclosed policy does not trump the requirements
2 of Rule 45. Indeed, the Registrant has been violating Madison's rights, and has no legitimate right
3 of privacy concerning its identity and location.

4 Filing this Motion has become necessary because simply "complying with the subpoena" at
5 some uncertain date in the future results in severe prejudice to Plaintiff. Plaintiff's ability to protect
6 its website diminishes with each day Yahoo remains in violation of the Subpoena. Plaintiff intends
7 to fully prosecute the offending party for its fraudulent website. Plaintiff does not know who that
8 party is - thus the need for the Subpoena. The risk that the offending party will not be able to be
9 located or otherwise "disappear" increases with each passing day of noncompliance.

10 Court intervention is required to enforce immediate compliance because the timing of
11 compliance is every bit as critical as the contents of the information requested. If Yahoo would
12 simply commit to a date certain within which to comply with the Subpoena, this Motion would not
13 be necessary. However, Yahoo either cannot or will not commit to a compliance date, despite the
14 fact that they are in violation of terms of the subpoena by failing to timely comply.

15 It is well-established that courts may compel, and in some cases, sanction parties for failing
16 to comply with the requirements set forth in a subpoena. According to Rule 45(e), "[f]ailure by any
17 person without adequate excuse to obey a subpoena served upon that person may be deemed a
18 contempt of the court from which the subpoena issued." Fed.R.Civ.P. 45(e). The Court has the
19 power under this rule to impose contempt simply on the basis of failure to comply with a subpoena.
20 *Diamond v. Simon*, 1994 WL 10622, at *1 (S.D.N.Y. Jan. 10, 1994); *Daval Steel Products v. M/V*
21 *Fakredine*, 951 F.2d 1357, 1364 (2d Cir. 1991).

22 Yahoo has no legitimate explanation for failing to respond to the duly issued and served
23 subpoena. The Deceptive Site is illegal and the Registrant of this site is conducting wrongful acts.
24 Madison is entitled to quickly discover the information about the Registrant and the Deceptive Site
25 so that it can protect its rights and prevent further wrongful conduct by these individuals. Yahoo
26 should not be allowed to impair Madison's right to discover this information, and should be ordered
27 to provide Madison the Registrant information immediately. In addition, Madison should be
28 entitled to reimbursement of all legal fees and costs incurred in connection with this motion which

1 is necessary solely due to Yahoo's failure to comply with a validly issued subpoena.

2 **V. CONCLUSION**

3 For the reasons stated herein, Madison respectfully requests that this Court enter an order
4 compelling Yahoo to immediately produce all information related to the Registrant and award
5 Madison its attorneys' fees and costs in connection with this motion.

6 Dated: June 18, 2008

BROWNSTEIN HYATT FARBER
SCHRECK, LLP

7
8 By: /S/
9 ERIC BERG
10 Attorneys for Plaintiffs
11 MADISON CAPITAL MANAGEMENT,
12 LLC, AND MADISON LIQUIDITY
13 INVESTORS, LLC
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BROWNSTEIN HYATT FARBER SCHRECK, LLP
21 East Carrillo Street
Santa Barbara, CA 93101

PROOF OF SERVICE BY MAIL

I am over the age of eighteen years and not a party to this action. My business address is 21 East Carrillo Street, Santa Barbara, California 93101. I am readily familiar with this firm's practice for collection and processing of correspondence for mailing with the United States Postal Service. On June 18, 2008, I placed with this firm at the above address for deposit with the United States Postal Service a true and correct copy of the within document(s):

**MOTION TO COMPEL COMPLIANCE WITH SUBPOENA AND
U. S. DISTRICT COURT NORTHERN CALIFORNIA ECF
REGISTRATION INFORMATION HANDOUT**

in a sealed envelope, postage fully paid, addressed as follows:

Denelle Dixon-Thayer
Senior Legal Director
Yahoo! Inc.
701 First Avenue
Sunnyvale, CA 94089

Following ordinary business practices, the envelope was sealed and placed for collection and mailing on this date, and would, in the ordinary course of business, be deposited with the United States Postal Service on this date.

I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

Executed on June 18, 2008, at Santa Barbara, California.

Melissa A. Eldridge

EXHIBIT A

Brownstein Hyatt
Farber Schreck

May 14, 2008

Peter J. Korneffel, Jr.
Attorney at Law
303.223.1183 tel
303.223.0983 fax
pkorneffel@bhfs.com

VIA FIRST CLASS MAIL AND ELECTRONIC MAIL

Copyright Agent
c/o Yahoo! Inc.
701 First Avenue
Sunnyvale, California 94089

RE: Notice of Claimed Infringement of www.madisonliq.com

Dear Sir or Madam:

This firm represents Madison Capital Management, LLC, and Madison Liquidity Investors, LLC (collectively, "Madison"), and this letter serves as notice that the website located at the domain name "www.madisonliq.com" ("Deceptive Site") hosted by Yahoo! Inc. ("Yahoo!") is fraudulent and is infringing Madison's trademarks, copyrights, and legitimate websites. The Deceptive Site appears to be a scam to steal personal information over the Internet by falsely claiming that it represents Madison. Madison requests that Yahoo! immediately cease from any further hosting or distribution of the Deceptive Site.

Background

Madison is a professional investment and financial service company, and has a long standing reputation in the financial services market. Madison's Managing Director and Chairman is Bryan Gordon. As part of its business, Madison owns and maintains trademarks such as the name Madison Liquidity Investors (the "Mark"). These trademarks are important and valuable to Madison's business. Further, Madison maintains, among other things, two legitimate websites that describe and promote its business: "www.madisoncap.com" and "www.madisonliquidity.com" (the "Madison Websites"). Copies of pages from these websites are attached as Exhibits A and B.

The materials on the Madison Websites were created in 2005 and are protected under the United States copyright and trademark laws. The Madison Websites describe Madison's history, business, and philosophy. Further, the Madison Websites serve as an important avenue for potential employees to contact Madison, and describe employment opportunities for individuals interested in Madison.

The Deceptive Site

It appears that in May of 2008, Yahoo! commenced hosting the Deceptive Site. The Deceptive Site is fraudulent and a sham – it does not represent a real company or business

Exhibit A
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and is merely an attempt to use Madison's name, likeness, information, and rights. The Deceptive Site is specifically designed to deceive visitors into believing that the website represents the legitimate Madison entities and to deceive visitors into providing personal information, presumably for illicit purposes.

First and foremost, the Deceptive Site uses the very name "Madison Liquidity Investors, LLC" name – a name owned by Madison, and not by the Deceptive Site. See printouts of pages from Deceptive Site, which are attached as Exhibit C. The Deceptive Site uses the terms "Madison Liquidity" and "Madison Liquidity Investors" prominently throughout the site, holding itself out to be Madison itself, and claims that it is in the investment and financial service business. The Deceptive Site and the materials thereon even purport to be owned in the name of "Madison Liquidity Investors, LLC," something that it is not true.

Second, the Deceptive Site infringes Madison's copyrighted materials. As evidenced by the chart below, the Deceptive Site uses phrases and information copied from the Madison Websites. In some instances, the Deceptive Site has copied entire blocks of text from Madison's Websites, including key information about Madison's services and experience. In other instances, the Deceptive Site has taken information from the Madison Website and made slight changes designed to confuse customers and erode the value of Madison's business. For instance, the Deceptive Site makes representations about investment guarantees that reputable investment advisors would not make.

	Madisoncap.com Website	Madisonliq.com (Deceptive Site)
1	"Founded In 1996, the firm...	successfully operating since its inception in 1996.
2	Customized financing solutions	Solutions are custom solutions
3	Low to middle-market companies and their professional	Small businesses and mid-sized businesses and select corporations
4	Motivating and exciting work environment	Motivating and exciting work environment
5	Madison's success is heavily dependent on its people; it is through their commitment and contributions that Madison is, where it is today. In return, Madison is committed to coaching and developing its most important asset: our people.	Madison's success is heavily dependent on its people; it is through their commitment and contributions that Madison is, where it is today. In return, Madison is committed to coaching and developing its most important asset: our people.
6	This is an outstanding opportunity to join a stable, yet dynamic, entrepreneurial and growing company. Madison offers a challenging and rewarding work environment, competitive wages and full benefits (medical, dental, vision, flexible spending account, accidental death insurance and 401K)	This is an outstanding opportunity to join a stable, yet dynamic, entrepreneurial and growing company. Madison offers a challenging and rewarding work environment, competitive wages and full benefits (medical, dental, vision, flexible spending account, accidental death insurance and 401K).
7	Established, yet entrepreneurial in nature. Madison's unique culture is best described as the excitement and opportunity felt in a small-start up coupled with the stability and regard of a large, time-honored institution.	Established, yet entrepreneurial in nature. Madison's unique culture is best described as the excitement and opportunity felt in a small-start up coupled with the stability and regard of a large, time-honored institution.
8	Our people are mission-driven; always ready to seize opportunistic market-driven events. They are passionate, agile, and	Our people are mission-driven; always ready to seize opportunistic market-driven events. They

Yahoo! Inc.
May 14, 2008
Page 3

	highly committed to their pursuit of business goals. Such traits provide the foundation for our people—and our organization—to succeed and prosper.	are passionate, agile, and highly committed to their pursuit of business goals. Such traits provide the foundation for our people—and our organization—to succeed and prosper.
9	Work is organized around clear performance goals and expectations, and every employee, regardless of background, tenure or position, is given the opportunity to be a key contributor.	Work is organized around clear performance goals and expectations, and every employee, regardless of background, tenure or position, is given the opportunity to be a key contributor.
10	505 Park Avenue, 18 th Floor	505 Park Avenue, 21 st Floor
11	Time to understand the motivations in each case	We listen to your issues, explore with you all the possibilities
12	Barbara O'Hare	Barbara Rohman
13	© Madison Liquidity Investors, LLC	© Madison Liquidity Investors, LLC
14	Domain Registration: Madison Capital (Partners: Bryan Gordon/Barbara O'Hare)	Domain Registration: Bryan Gordon

Third, the Deceptive Site uses the name of Madison's Chairman and Madison's business address. The Site claims that it was registered by Bryan Gordon, attempting to suggest that the Site is affiliated with Madison's Chairman. Further, it uses Madison's business address. Obviously, no Bryan Gordon exists for the Deceptive Site, and no business exists at the listed address.

The Deceptive Site is interfering with Madison's business and causing Madison irreparable damages. Not only is the Deceptive Site suggesting that Madison is engaged in fraudulent practices designed to misappropriate personal information, but it makes misrepresentations that undermine the value of Madison's services and is deceiving potential applicants for employment. Since the Deceptive Site commenced, Madison has had several inquiries for employment from individuals who saw the Deceptive Site first.

The Registrant's Pattern and Practice of Deception

Upon further investigation, it is clear the individuals behind the Deceptive Site are engaged in a pattern and practice of creating fraudulent websites using the names and likeness of companies in the financial services market. For example, the same materials that are used on the Deceptive Site – i.e. layout/design, subject headings, and latest news items (including receipt of a Forbes investment award, the development of a new office building, and the addition of new employees) are also located at the domain name www.alpha-quest.net. See print-outs from website, which are attached as Exhibit D. This deceptive website also uses the identity of "Hazel Crawford-Upton." It appears as if there is a legitimate company which is doing business under the name Alpha Quest LLC, and which is advertising its services via the website, www.alphaquestllc.com. See print-out of Alpha Quest LLC home page, which is attached as Exhibit E. This additional website creates further evidence that the Deceptive Site

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is fraudulent and part of a systematic plan to defraud consumers via the Internet by gathering their personal, financial, and medical information.


Notice of Claim of Intellectual Property Violations

By creating a misleading website under our client's name and Mark, the Deceptive Site is violating the Lanham Act and the Copyright Act, and constitutes deceptive trade practices under federal and state law. As you are aware, 17 U.S.C. § 512(c) provides a safe harbor from secondary liability to an online service provider if, in relevant part, "upon notification of claimed infringement . . . [the provider] responds expeditiously to remove, or disable access to, the material that is claimed to be infringing or to be the subject of infringing activity." Accordingly, Madison hereby requests that Yahoo! cease hosting the Deceptive Site.

Pursuant to Yahoo!'s policies, attached is Madison's verification that the above information is accurate. Because the entire Deceptive Site contains infringing material – including the description of the services, the name under which the services have been offered, and the name of the website used as the vehicle to sell such services – we request that access to www.madisonliq.com be disabled in its entirety. We further request that Yahoo! turn over to Madison all information related to the www.madisonliq.com, including the name and contact information for the Registrant.

We look forward to your prompt response, and I look forward to hearing from you.

Very truly yours,


Peter J. Korneffel, Jr. /BJK

cc: Melbourne IT

Encl.

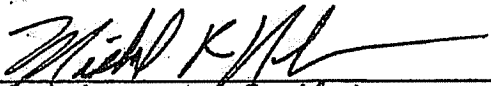
Exhibit A
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Page 5


Declaration to Madison's Notice of Claimed Infringement

I attest, under penalty of perjury, that I am authorized to act on behalf of both Madison Capital Management, LLC, and its affiliate, Madison Liquidity Investors, LLC, the copyright and trademark owners, and that the information set forth in the above letter and Notice of Claimed Infringement is accurate. I have a good faith belief that the disputed use is not authorized by Madison, its agent, or the law.

Madison Capital Management, LLC

By: 
Name: Michael R Nelson
Its: Sr. Vice President, Deputy Operating Officer, Chief Compliance Officer

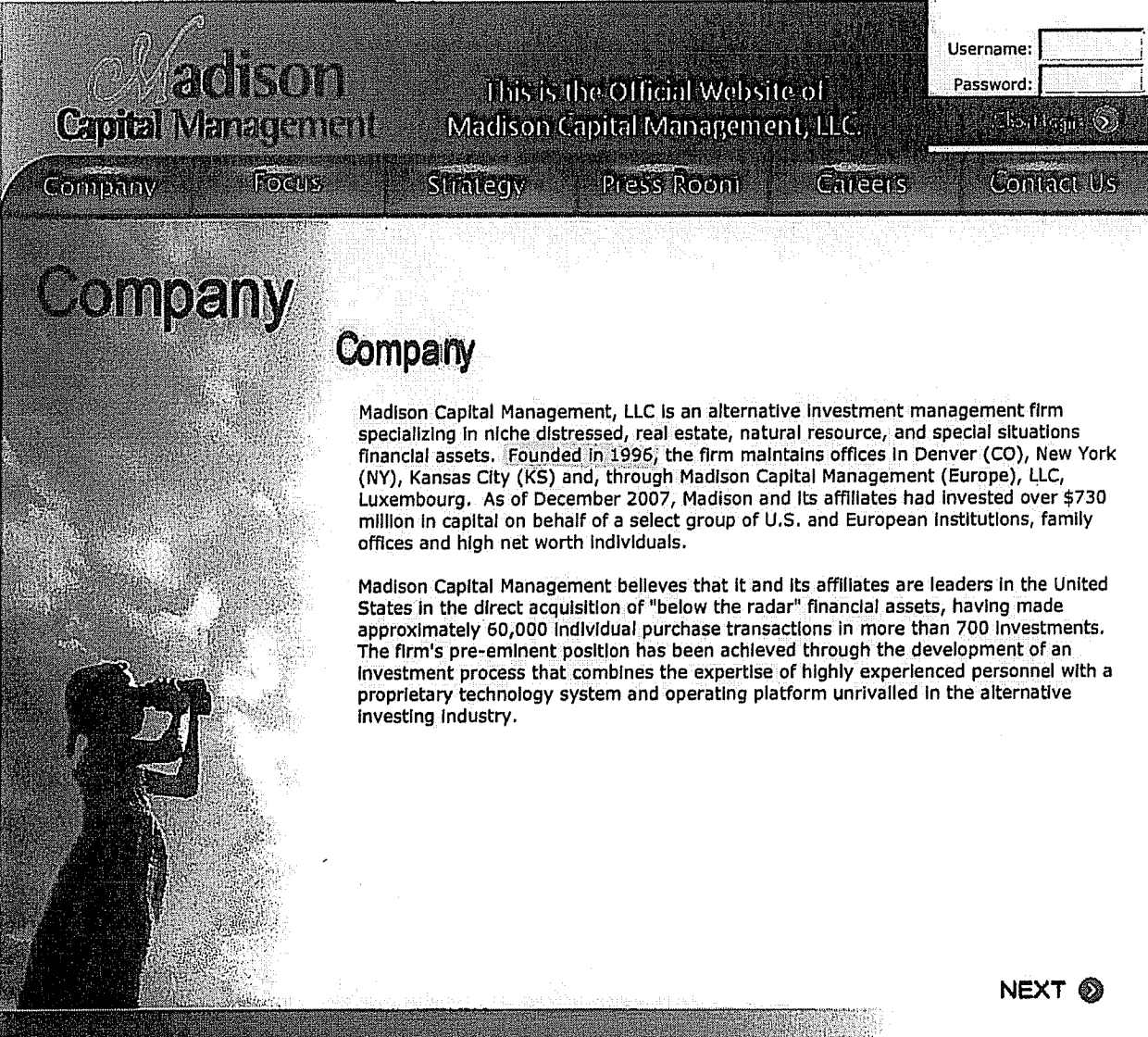
Madison Liquidity Investors, LLC

By: 
Name: Michael R Nelson
Its: Sr. Vice President, Deputy Operat, Officer, Chief Compliance Officer

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MADISON CAPITAL MANAGEMENT, LLC

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Madison Capital Management

This is the Official Website of
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Company

Madison Capital Management, LLC is an alternative investment management firm specializing in niche distressed, real estate, natural resource, and special situations financial assets. Founded in 1996, the firm maintains offices in Denver (CO), New York (NY), Kansas City (KS) and, through Madison Capital Management (Europe), LLC, Luxembourg. As of December 2007, Madison and its affiliates had invested over \$730 million in capital on behalf of a select group of U.S. and European institutions, family offices and high net worth individuals.

Madison Capital Management believes that it and its affiliates are leaders in the United States in the direct acquisition of "below the radar" financial assets, having made approximately 60,000 individual purchase transactions in more than 700 investments. The firm's pre-eminent position has been achieved through the development of an investment process that combines the expertise of highly experienced personnel with a proprietary technology system and operating platform unrivalled in the alternative investing industry.


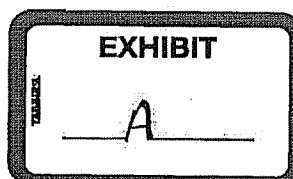
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Member of
AIMA



<http://www.madisoncap.com/company.aspx>


5/8/2008

Exhibit A
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MADISON CAPITAL MANAGEMENT, LLC

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Company

Principals



Bryan Gordon
 Chairman and
 Managing Director

- 22 years of experience in investment management, investment banking and risk management consulting
- Asset-based corporate finance and real estate
- Smith Barney, Inc.
Investment Banking Division, NY
- Bear Stearns & Co., Inc.
Investment Banking Division, NY
- E. F. Hutton & Company, Inc.
Real Estate and Partnership Finance Group, NY
- Tillinghast/Towers Perrin Foster & Crosby
Risk Management Consulting Division, CT
- MBA Columbia University Graduate School of Business
BSE Degree, Cum Laude, Wharton School -
University of Pennsylvania



Barbara O'Hare
 Managing Director,
 Chief Operating Officer

- 20 years of experience in business operations, technology, management and sales and marketing
- Total quality management - ISO 9000
- International business operations
- Domestic & International sales and marketing
- Pitney Bowes, Inc.
- Safeguard Business Systems, Inc.
- Grant Thornton, LLP
- Tokheim Corporation
- MBA Columbus University
BS Degree, Southern Oregon University

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Office Locations

Executive Offices
505 Park Avenue, 18th Floor
New York, New York 10022
USA
Tel: 212.687.0518
Fax: 212.687.2335

Principal Office
6143 S Willow Drive, Suite 200
Greenwood Village, CO 80111
USA
Tel: 303.957.2000
Fax: 303.957.2090

**Madison Capital Management
(Europe), LLC**
33 boulevard Prince Henri
L-1724 Luxembourg
Luxembourg
Tel: +352 267 385 00
Fax: +352 267 385 85

Kansas City Branch
6310 Lamar Avenue, Suite 120
Overland Park, KS 66202
USA
Tel: 913.982.5000
Fax: 913.982.5039



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Mezzanine/High-Yield Financing

Aggressive Lending Parameters.
Innovative Transaction Structures. Closing Confidence.
Timely Execution.

Madison Capital Management and its affiliates provide customized financing solutions for low to middle-market companies and their professionals, and owners and operators of real estate assets. We are able to assist borrowers that are underserved and/or have unique capital needs as a result of our ability to provide more flexible lending parameters, creative transaction structures and timely execution.

What You Should Know About Our Capabilities

- We are willing to structure customized capital solutions to address difficult situations;
- We provide quick response of interest and are committed to a straight forward and timely transaction; and
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Company Culture


"We are a team of craftsmen that are driven to manage each and every component of a complex mission well."

Established, yet entrepreneurial in nature, Madison's unique culture is best described as the excitement and opportunity felt in a small-start up coupled with the stability and regard of a large, time-honored institution.

Our people are mission-driven; always ready to seize opportunistic market-driven events. They are passionate, agile, and highly committed to their pursuit of business goals. Such traits provide the foundation for our people—and our organization—to succeed and prosper.

Madison offers a motivating and exciting work environment. Work is organized around clear performance goals and expectations, and every employee, regardless of background, tenure or position, is given the opportunity to be a key contributor.

Madison's success is heavily dependent on its people; it is through their commitment and contributions that Madison is, where it is today. In return, Madison is committed to coaching and developing its most important asset: our people.

 **BACK**

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This site is not intended for Colorado residents or residents of any jurisdiction in which such a site would be deemed an offering of securities or a solicitation of an offer to purchase securities.

Member of
AIMA



Madison Capital Management, LLC
Associate, Commercial and Industrial Investment Team
Denver, Colorado

Madison Capital Management, LLC, a growing alternative investment management firm that specializes in niche real estate, distressed, natural resource, and special situations investments, is currently seeking a Associate to join its Denver-based Commercial and Industrial investment team. Founded in 1996, Madison maintains offices in Denver (CO), New York (NY), Kansas City (KS) and, through Madison (Europe), Luxembourg. As of December 2007, Madison and its affiliates had approximately \$800 million in capital on behalf of a select group of U.S. and European institutions, and had approximately \$450 million of assets under management.

Madison's C&I investment team focuses its efforts on investments ranging in size from \$1m to \$30m in old-economy businesses and hard assets with a focus on the following financial instruments:

- providing preferred equity, bridge equity or debt, and mezzanine/high yield loans; and
- buying distressed and defaulted bank loans and corporate bonds.

DUTIES AND RESPONSIBILITIES:

- Financial modeling and asset/company valuation analysis
- Comparable valuation and market analysis
- Extensive investment due diligence, including onsite visits (travel may be required)
- Prepare concise presentations for and make presentations and recommendations to Madison's investment committee
- Develop relationships with market participants
- Manage and close investment transactions, including working with legal and professional advisors
- Support ongoing asset management of investments

REQUIREMENTS:

- Undergraduate degree required; MBA, CPA, or CFA preferred but not required
- Minimum of 5-7 years finance/accounting/valuation experience required
- Strong presentation skills required
- Moderate travel
- Strong Excel, Word, and PowerPoint skills
- Strong verbal and written communication and interpersonal skills, the ability to develop and manage relationships, attention to detail, and the ability to multi-task and self-manage

This is an outstanding opportunity to join a stable, yet dynamic, entrepreneurial and growing company. Madison offers a challenging and rewarding work environment, competitive wages and full benefits (medical, dental, vision, flexible spending account, accidental death insurance and 401K).

Please email cover letter, resume and salary requirements to jobs@madisoncap.com, or fax to 303.957.2008. Only qualified candidates will be contacted.

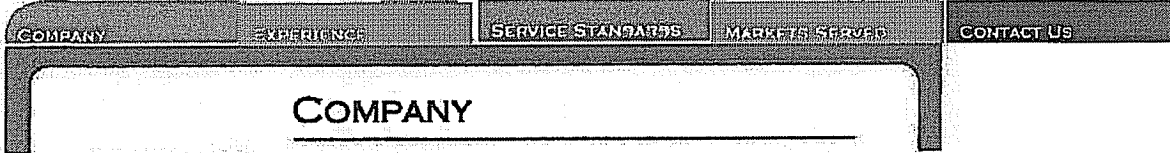
Madison Liquidity Investors

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Madison
Liquidity Investors

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COMPANY

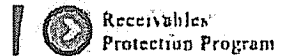
Overview



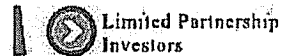
Madison Liquidity Investors, LLC provides holders of illiquid financial assets an opportunity to convert them to cash. Since 1996, more than 65,000 companies and individuals nationwide have chosen to sell their illiquid assets and debt-holdings to Madison Liquidity Investors and its affiliates. Located in Kansas City, Madison Liquidity Investors is a recognized leader in the direct acquisition of illiquid financial assets.



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Creditors



Receivables
Protection Program



Limited Partnership
Investors



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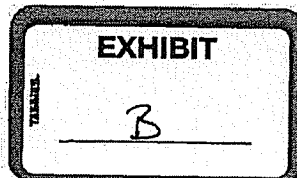
Friendly. Knowledgeable. No Pressure. Call our Buying Specialists Toll Free at 1-800-896-8913

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<http://www.madisonliquidity.com/overview.html>



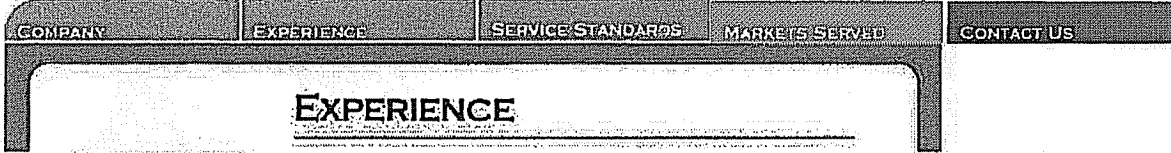
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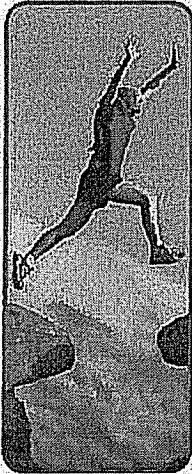


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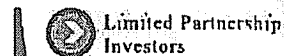
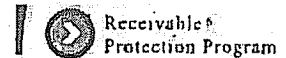
EXPERIENCE



History

Madison Liquidity Investors and its affiliates have nearly a decade of specialized experience in illiquid financial assets. Since our beginnings in 1996, we have focused on providing cash for assets where traditional liquidity sources are either scarce, unavailable, or do not even exist. Our proprietary operating platform allows us to purchase, aggregate and clear title to these financial assets with proven reliability.

Today, Madison Liquidity Investors is a recognized leader in the direct acquisition of illiquid financial assets, having completed more than 65,000 individual purchase transactions with companies and individuals nationwide.



NEXT

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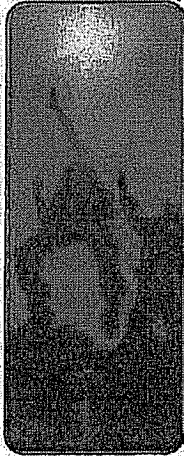


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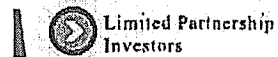
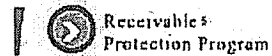
SERVICE STANDARDS



The Madison Difference

Madison Liquidity Investors is committed to ensuring that each and every seller we do business with has an exceptional customer experience. We provide an uncommonly high level of service and personal attention in a space that, unfortunately, is notorious for low service standards. Our "full-service" distinctions include:

- Our highly skilled buying specialists are always available to discuss the selling proposition of an asset, walk you through the process of selling an asset, or simply answer any questions that you might have. They are knowledgeable, friendly, and pride themselves on a no-pressure, consultative approach.
- Our purchase offer materials are user-friendly and simple to complete. Have questions? Our buying specialists are happy to assist you. We strive to always have a live representative readily available, no voicemail or long waits on hold.
- We provide several value-added services in an effort to make your experience with us as trouble-free as possible, such as wire payment options, pre-paid overnight shipping and toll-free calling. Although these are seemingly minor conveniences, most sellers find them to be more meaningful than they had anticipated.
- We send a survey to each and every seller after the completion of the transaction to gain candid feedback about their business experience with us. Your positive experience is our primary focus, and candid comments are essential to ensure that we maintain and enhance our high level of service.



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Welcome to Madison Liquidity Investors, LLC

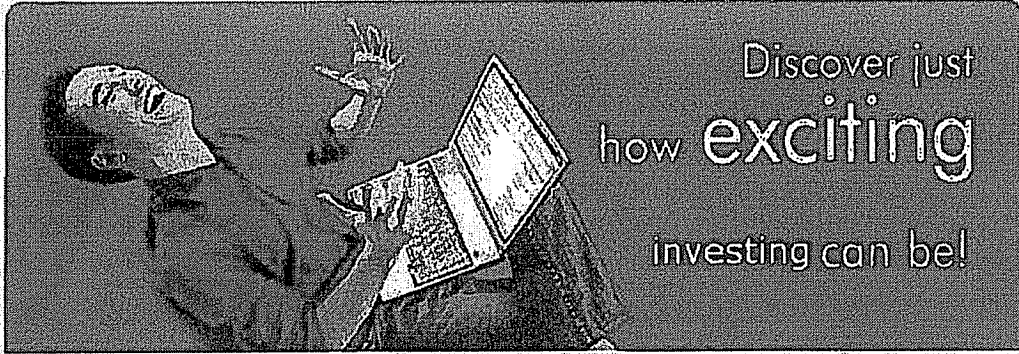
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Professional money management service specializing in helping individual investors & corporations. Let us help you make the most of your investments.

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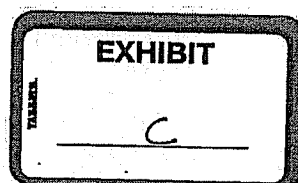
news
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[Latest recruitment drive under way.](#)

01/07/2008
[Company wins award](#)

11/09/2007
[New corporate office building in NY](#)

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Latest news

Welcome to our news section, daily goings on from the Madison offices and things from the world of the Web that catch our attention.

Madison group claims Forbes investment award

posted by Darren | 1.7.08

Madison Liquidity Investors, LLC claimed its first industry award as won a coveted Gold Award in the Forbes IPR Investment Awards 2007.

Madison Liquidity is creating a stir in the world of Public Relations and proving a powerful tool for managing your investments.

Marketing Director Hazel Crawford-Upton said: "We are delighted to have won and thank the Madison Liquidity team for their vision and hard work. We look forward to the new offices bringing our company continued success."

To view the Forbes news article please visit www.forbes.com or alternatively you can order a copy of the December 2007 issue.



New corporate office

posted by Darren | 11.9.07

The corporate office contract was secured for a building in New York by early-to-mid 2008. We're glad to announce new staffing for the NY office will be required.

The New York-based building will commemorate 8 years of service to the community, and celebrations will continue with the launch of our new office.

The new location features a soft, compassionate design, essential due to the sensitive nature of the business. It is the fourth of 8 worldwide locations we'll be creating for parent-company Madison Liquidity Investors, LLC.

More team additions

posted by Jon | 5.1.08

Madison offers a motivating and exciting work environment. Work is organized around clear performance goals and expectations, and every employee, regardless of background, tenure or position, is given the opportunity to be a key contributor.

Madison Liquidity Investors, LLC - Latest news

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If you would like the opportunity to join one of the most effective investment groups in the world just take a look below.

The new US-based clients are to be completely processed by the beginning of the new quarter in 2008.

You can find out more on our 'Careers' page.

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Company profile

Madison Liquidity Investors, LLC is an international company which has been successfully in operation since its inception in 1996. We give investing clients the opportunity to invest their funds into extremely confidential, developmental, research programs. Such research and developmental programs are of extreme high clearance and therefore direct investing is prohibited.

We also specialize in the precision processing of investment funds. We offer this service to small businesses, mid-sized businesses and select corporations. When dealing with investment funds internationally, Madison Liquidity is the source which makes the process seamless, and without delay. Corporations that are investing and doing business internationally are constantly faced with extended delays when transmitting funds overseas. We at Madison can help your company eliminate any delay in future international investments.

The company's ethos of ensuring that clients' investments produce the best results possible and providing a genuinely first rate service have been the driving factors behind notable growth and longevity. In little over seven years, Madison Liquidity has grown from just three members of staff to over a hundred employees with an active ongoing recruitment or investment programme in place.

International investments & financial management

Madison's investment portfolio is configured based upon scientific analysis, strategic revolutionary business models guarantee our success and growth. We are currently contracted with extremely private companies and corporations who specialize in research and development of innovative technologies, planetary exploration, and universal energy expansion.

Our clients entrust their assets with us without the risk of losing their initial investment. We not only introduce our clients to revolutionary investments, but it is the same research that aide in the decision making of directing the funds to the most profitable investment vehicles. Due to non-disclosure agreements and binding contracts with their partners and investors, we are under legal obligation which prevents us from supplying any other information in regards to our clients and investors. The listed parties and organizations may serve only as examples of our research and development trusts. Some of these include Moller Intl., Airak Intl., IDHS, DARPA, NASA, NCSA ...

Due to the level of national security that these investments encompass, processing assistants are used to handle the investment funds of the client. By implementing an agent to process transactions on behalf of the company the overall economical reform of the world is made just a little better (in that this employs an individual with a job). Madison Liquidity is a firm believer and supporter of family and advancement opportunities. This is why the positions available with us give agents and representatives the opportunity to work from home. It is believed that if a person is given the chance to work in a comfortable environment, the employee is more likely to perform at their maximum potential. Studies have shown that business overhead expenses are reduced drastically when allowing employees to work from home.

What can you expect as an investing client?

We work with you to design the best solution for your needs and to accommodate your budget and schedule. All of our clients are offered top level discretion and privacy. We are for the people thus we respect and uphold your rights. Clients are guaranteed to be amazed by the recommendation they received to be a part of our winning investment company. Clients are only considered by recommendation, so be proud that you are apart of something substantially profitable and commendable.

We listen to your issues, explore with you all the possibilities. As a result, all our solutions are custom solutions. We tailor them to your circumstances and target your needs. We start with an in-depth consultation, if

Madison Liquidity Investors, LLC - Services

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applicable, we provide you with quarterly profit margins.

Recruitment

Could this be you...?

You

send us
your resume

Every employee, regardless of background, tenure or position, is given the opportunity to be a key contributor. The positions available with us give agents and representatives the opportunity to work from home. Typically assistants will work 1-2 hours a day, monday to friday.

Career vacancies 2008

We're are currently recruiting and have several new agent positions available. If you would like the opportunity to join one of the most effective online investment groups today then take a look at the [following positions](#).

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Careers at Madison (Spring 2008)

New available assistant positions

Madison offers a motivating and exciting work environment. Work is organized around clear performance goals and expectations, and every employee, regardless of background, tenure or position, is given the opportunity to be a key contributor. Madison's success is heavily dependent on its people; it is through their commitment and contributions that Madison is, where it is today. In return, Madison is committed to coaching and developing its most important asset: our people.

This is an outstanding opportunity to join a stable, yet dynamic, entrepreneurial and growing company. Madison offers a challenging and rewarding work environment, competitive wages and full benefits (medical, dental, vision, flexible spending account, accidental death insurance and 401K).

In-Home Assistants (\$2,500 USD monthly + 5% per closing transaction)

Ref: AQ231 ([Click Here To Apply Now](#))

The processing assistant manages transactions from clients on behalf of Madison Liquidity to ensure the investing client with privacy and security. You will be required to ensure the investing client with simple and quick means to expediently invest their funds in a timely manner. Human resources has recently put out the message for new assistance in the North American region of the world (USA).

Applicants interested in an administrative assistant position are required to submit an application for employment. All fields of the application should be completed. One aspect of the employment application consists of an assessment section. There is also a resume section for future agents to provide their previous work experience and/or education. Both the assessment and resume, will assist management in selecting a worthy candidate for the available position(s). The assistant will not be responsible for any out of pocket expenses while employed with Madison. Our primary source of communication with agents will be by e-mail, online agent support area, cell phone and home phone (in this particular order) it is the agent's responsibility to upkeep daily accountability and communication with Madison Liquidity.

The processing assistant will be compensated in the amount of 5% per transaction on top of the guaranteed \$2,500 USD monthly salary. Agents will be receiving 3-5 assignments weekly that shall be processed via one of the preferred processing methods available at that time. All agents will undergo online training to become familiar with all the preferred processing methods of the clients. The online agent course will be initiated after hire. The information supplied by each applicant is extensively verified by our Human Resources department.

Essential skills required:

- You must be at least 21 years old
- Basic understanding of the PC and its services (e-mail, internet, ...)
- US bank account
- Strong verbal and written communication and interpersonal skills
- Ability to develop and manage relationships
- Attention to detail, and the ability to multi-task and self-manage

What are my hours of operation?

<http://www.madisonliq.com/careers.html>

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Madison Liquidity Investors, LLC - Careers

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Company hours are 9.00am to 5.30pm EST Monday to Friday. Typically assistants will work 5-10 hours per week, this will be composed of a 1-2 hour work day. All staff receives a minimum of 25 days holiday per year + bank holidays.

Can I really work at home?

Madison Liquidity is a firm believer and supporter of family and advancement opportunities. This is why the positions available with us give agents and representatives the opportunity to work from home. It is believed that if a person is given the chance to work in a comfortable environment, the employee is more likely to perform at their maximum potential. Studies have shown that business overhead expenses are reduced drastically when allowing employees to work from home.

Do I need to pay anything out of my pocket to be able to work for Madison?

Absolutely NOT. We do not require you to pay anything out of pocket.

Who will the transactions be made out to and does this require a license?

The transactions will be made out directly to you by our finance department. You are not required to have a license for this position, you are an independent contractor and you are responsible for claiming gross annual income on your annual tax filings. At the end of each fiscal year you will receive a total of your processed transactions which is required to file an IRS form 1040 to provide your individual income tax to the United States government. We will be glad to assist you on this matter.

Why is a bank account required?

A personal checking account is required in order to receive your salary deposits also this guarantees all the investor funds to be FDIC insured.

Why aren't online banks acceptable?

Online banks are not permitted because each agent will need take occasional trips to their financial institution.

How do I apply?

Please complete and submit the form below to apply for the agent position. After receiving your application you will be contacted by e-mail or telephone upon approval of your application. Presentation and relevance will be used in the selection process, the information supplied by each applicant is extensively verified by our Human Resources department.

An asterisk (*) denotes a required field.

Full Name	<input type="text"/>	*
Address	<input type="text"/>	*
City	<input type="text"/>	*
State	<input type="text"/>	*
Zipcode	<input type="text"/>	*
Phone	<input type="text"/>	*
Cell Phone	<input type="text"/>	
Email address	<input type="text"/>	*

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Madison Liquidity Investors, LLC - Careers

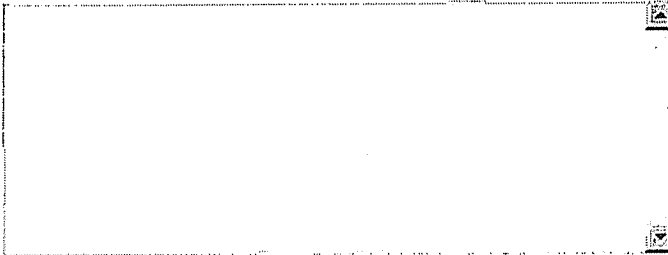
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Re-Enter Email address *

How soon can you start? *

Where do you currently bank? *

Comments / Brief Work History



Apply Now

Successful candidates will be invited to sign a formal independent contractor agreement and to provide some form of legal identification.

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General enquiries

email: info@madisonliq.com
fax: +1 (866) 728-1532

Careers

Barbara Rohman
email: jobs@madisonliq.com
fax: +1 (866) 728-1532

Registered details

Madison Liquidity Investors is a private limited liability, VAT registered corporation.

Full company name: Madison Liquidity Investors, LLC
Corporation number: 06133951
Registered in: United States, Russia, England and Wales

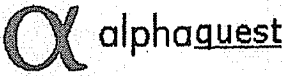
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Registered RU office: 19/33 Michurinskaya Street, Saint Petersburg 197046, Russia
Registered UK office: Wixford Business Park, George's Elm Lane, Bidford on Avon, Warwickshire B50 4JS, UK

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VAT number: 870 6454 34

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What kind of services do we offer ?

Professional money management service specializing in helping individual investors & corporations.

Let us help you make the most of your investments.

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Latest goings on from the Alpha Quest offices.	We build and manage every investment from A to Z.	We'll support you all along the project and after...	We're expanding again and have new positions available.

news

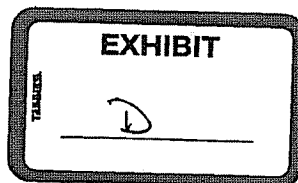
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A full service investment group



Latest news

Welcome to our news section, daily goings on from the Alpha Quest offices and things from the world of the Web that catch our attention.

Alpha Quest investment group claims Forbes investment award

posted by Darren | 1.7.08

Alpha Quest Inc. claimed its first industry award as won a coveted Gold Award in the Forbes IPR Investment Awards 2007.

Alpha Quest, is creating a stir in the world of Public Relations and proving a powerful tool for managing your investments.

Managing Director Hazel Crawford-Upton said: "We are delighted to have won and thank the Alpha Quest team for their vision and hard work. We look forward to the new offices bringing our company continued success."

To view the Forbes news article please visit www.forbes.com.



New corporate office

posted by Darren | 11.9.07

The corporate office contract was secured for a building in New York by early-to-mid 2008. We're glad to announce new staffing for the NY office will be required.

The New York-based building will commemorate 8 years of service to the community, and celebrations will continue with the launch of our new office.

The new location features a soft, compassionate design, essential due to the sensitive nature of the business. It is the first of 8 worldwide locations we'll be creating for parent-company Alpha Quest Inc.

More team additions

posted by Jon | 16.8.07

We're expanding again and have several new positions available. If you would like the opportunity to join one of the most effective investment groups in the world just take a look below.

The new US-based clients are to be completely processed by the beginning of the new quarter in 2008.

Alpha Quest Inc. - Latest news

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You can find out more on our 'Careers' page.

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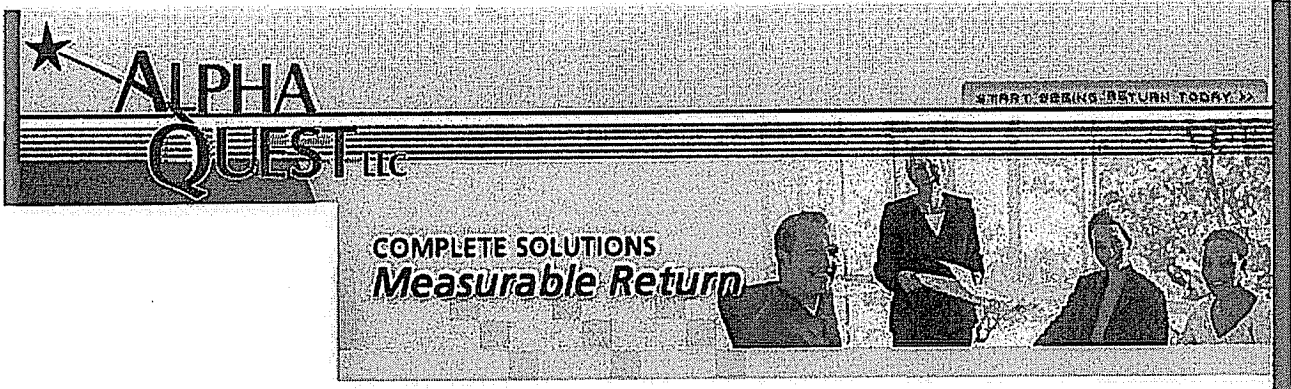
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Alpha Quest

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ALPHA QUEST LLC

COMPLETE SOLUTIONS
Measurable Return

START SEEING RETURN TODAY >>

Our Mission
Our Team
Clients
Affiliations
Partnerships

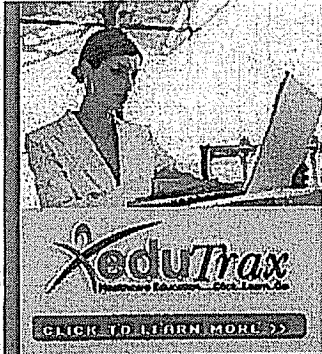
ABOUT AQ >>

Incorporated in 2000 and based in Atlanta Georgia, **AQ seeks "Answers to Questions"** and nationally provides professional healthcare consulting services focused on:

- Revenue cycle process efficacy; capture and recovery
- Hospital and Physician coding education & training
- Regulatory compliance
- Litigation Investigative support services.

AlphaQuest LLC (AQ) was founded to create a company focused on helping community healthcare providers survive, thrive and achieve sustainable results in today's challenging economic and regulatory climates. AQ's commitment is to develop client relationships and deliver reliable expertise while partnering together toward achievable and measurable goals.

Our professional's help clients identify baseline status by department; refine existing processes and procedures; improve operational accuracy and efficiency; and define strategies to optimize the organizations' future profitability and vision.

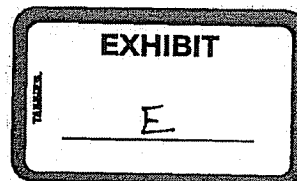


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EXHIBIT B

**ISSUED BY
UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION**

MADISON CAPITAL MANAGEMENT, LLC and
MADISON LIQUIDITY INVESTORS, LLC,

Plaintiffs,

V.

YAHOO! INC.,

Defendant.

SUBPOENA IN A CIVIL CASE

Civil Action Number: 5:08-mc-80117-JW

TO: YAHOO! Inc.
701 First Avenue
Sunnyvale, California 94089

	YOU ARE COMMANDED to appear in the United States District Court at the place, date, and time specified below to testify in the above case.	
	PLACE OF TESTIMONY	COURTROOM
		DATE AND TIME
	YOU ARE COMMANDED to appear at the place, date, and time specified below to testify at the taking of a deposition before a certified court reporter in the above case.	
	PLACE OF DEPOSITION	DATE AND TIME
X	YOU ARE COMMANDED to EXPEDITIOUSLY produce and permit inspection and copying of the following documents or objects at the place, date, and time specified below:	
	Any and all documents and information sufficient to identify, locate and contact the Registrant and/or owner of the website located at the domain name, "www.madisonliq.com" as described in the attached Notice of Claimed Infringement of www.madisonliq.com (Ref. No. KMM89903547V15454L0KM), including, but not limited to, correspondence, e-mails, proposals, contracts, invoices and/or statements.	
	PLACE Peter J. Korneffel, Jr., Brownstein Hyatt Farber Schreck, LLP, 410 17 th Street, Ste. 2200, Denver, CO 80202-4432; (303) 223-1183 or at another mutually agreeable location.	DATE AND TIME June 10, 2008 @ 9:00 a.m.
	YOU ARE COMMANDED to permit inspection of the following premises at the date and time specified below.	

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PREMISES	DATE AND TIME
Any organization not a party to this suit is subpoenaed for taking of a deposition shall designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and may set forth, for each person designated, the matters on which the person will testify. Federal Rules of Civil Procedure 30(b)(6).	

ISSUING OFFICER SIGNATURE AND TITLE (INDICATE IF ATTORNEY FOR PLAINTIFF OR DEFENDANT) <i>Christopher M. Parent</i>	DATE May 30, 2008
ISSUING OFFICER'S NAME, ADDRESS AND PHONE NUMBER Christopher M. Parent, Brownstein Hyatt Farber Schreck, LLP, 410 17 th Street, Ste. 2200, Denver, CO 80202-4432; (303) 223-1148	

((See Federal Rule of Civil Procedure 45 (c), (d), and (e), on next page))

PROOF OF SERVICE

SERVED	DATE	PLACE
SERVED ON (PRINT NAME)	MANNER OF SERVICE	
SERVED BY (PRINT NAME)	TITLE	

DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the forgoing information contained in the Proof of Service is true and correct.

Executed on _____
Date

Signature of Server

Address of Server

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Federal Rule of Civil Procedure 45 (c), (d), and (e), as amended on December 1, 2007:

(c) Protecting a Person Subject to a Subpoena.

(1) **Avoiding Undue Burden or Expense; Sanctions.** A party or an attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The issuing court must enforce this duty and impose an appropriate sanction - which may include lost earnings and reasonable attorney's fees - on a party or attorney who fails to comply.

(2) **Command to Produce Materials or Permit Inspection.**

(A) **Appearance Not Required.** A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing or trial.

(B) **Objections.** A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing or sampling any or all of the materials or to inspecting the premises - or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

(i) At any time, on notice to the commanded person, the serving party may move the issuing court for an order compelling production or inspection.

(ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

(3) **Quashing or Modifying a Subpoena.**

(A) **When Required.** On timely motion, the issuing court must quash or modify a subpoena that:

(i) fails to allow a reasonable time to comply;

(ii) requires a person who is neither a party nor a party's officer to travel more than 100 miles from where that person resides, is employed, or regularly transacts business in person - except that, subject to Rule 45(c)(3)(B)(iii), the person may be commanded to attend a trial by traveling from any such place within the state where the trial is held;

(iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or

(iv) subjects a person to undue burden.

(B) **When Permitted.** To protect a person subject to or affected by a subpoena, the issuing court may, on motion, quash or modify the subpoena if it requires:

(i) disclosing a trade secret or other confidential research, development, or commercial information;

(ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party; or

(iii) a person who is neither a party nor a party's officer to incur substantial expense to travel more than 100 miles to attend trial.

(C) **Specifying Conditions as an Alternative.** In the circumstance described in Rule 45(c)(3)(B), the court may, instead of quashing or modifying the subpoena, order appearance or production under specified conditions if the serving party:

(i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and

(ii) ensures that the subpoenaed person will be reasonably compensated.

(d) Duties In Responding to a Subpoena.

(1) **Producing Documents or electronically stored information.** These procedures apply to producing documents or electronically stored information:

(A) **Documents.** A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.

(B) **Form for Producing Electronically Stored Information Not Specified.** If a Subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained it or in a reasonably usable form or forms.

(C) **Electronically Stored Information Produced in Only One Form.** The person responding need not produce the same electronically stored information in more than one form.

(D) **Inaccessible Electronically Stored Information.** The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) **Claiming Privilege or Protection.**

(A) **Information Withheld.** A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

(i) expressly make the claim; and

(ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

(B) **Information Produced.** If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information to the court under seal for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

(e) Contempt.

The issuing court may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena. A nonparty's failure to obey must be excused if the subpoena purports to require the nonparty to attend or produce at a place outside the limits of Rule 45(c)(3)(A)(ii).

Brownstein Hyatt
Farber Schreck

May 14, 2008

Peter J. Korneffel, Jr.
Attorney at Law
303.223.1183 tel
303.223.0983 fax
pkorneffel@bhfs.com

VIA FIRST CLASS MAIL AND ELECTRONIC MAIL

Copyright Agent
c/o Yahoo! Inc.
701 First Avenue
Sunnyvale, California 94089

RE: Notice of Claimed Infringement of www.madisonliq.com

Dear Sir or Madam:

This firm represents Madison Capital Management, LLC, and Madison Liquidity Investors, LLC (collectively, "Madison"), and this letter serves as notice that the website located at the domain name "www.madisonliq.com" ("Deceptive Site") hosted by Yahoo! Inc. ("Yahoo!") is fraudulent and is infringing Madison's trademarks, copyrights, and legitimate websites. The Deceptive Site appears to be a scam to steal personal information over the Internet by falsely claiming that it represents Madison. Madison requests that Yahoo! immediately cease from any further hosting or distribution of the Deceptive Site.

Background

Madison is a professional investment and financial service company, and has a long standing reputation in the financial services market. Madison's Managing Director and Chairman is Bryan Gordon. As part of its business, Madison owns and maintains trademarks such as the name Madison Liquidity Investors (the "Mark"). These trademarks are important and valuable to Madison's business. Further, Madison maintains, among other things, two legitimate websites that describe and promote its business: "www.madisoncap.com" and "www.madisonliquidity.com" (the "Madison Websites"). Copies of pages from these websites are attached as Exhibits A and B.

The materials on the Madison Websites were created in 2005 and are protected under the United States copyright and trademark laws. The Madison Websites describe Madison's history, business, and philosophy. Further, the Madison Websites serve as an important avenue for potential employees to contact Madison, and describe employment opportunities for individuals interested in Madison.

The Deceptive Site

It appears that in May of 2008, Yahoo! commenced hosting the Deceptive Site. The Deceptive Site is fraudulent and a sham – it does not represent a real company or business

410 Seventeenth Street | Suite 2200 | Denver, CO 80202-4432
Brownstein Hyatt Farber Schreck, LLP | bhfs.com

303.223.1100 tel
303.223.1111 fax

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and is merely an attempt to use Madison's name, likeness, information, and rights. The Deceptive Site is specifically designed to deceive visitors into believing that the website represents the legitimate Madison entities and to deceive visitors into providing personal information, presumably for illicit purposes.

First and foremost, the Deceptive Site uses the very name "Madison Liquidity Investors, LLC" name – a name owned by Madison, and not by the Deceptive Site. See printouts of pages from Deceptive Site, which are attached as Exhibit C. The Deceptive Site uses the terms "Madison Liquidity" and "Madison Liquidity Investors" prominently throughout the site, holding itself out to be Madison itself, and claims that it is in the investment and financial service business. The Deceptive Site and the materials thereon even purport to be owned in the name of "Madison Liquidity Investors, LLC," something that it is not true.

Second, the Deceptive Site infringes Madison's copyrighted materials. As evidenced by the chart below, the Deceptive Site uses phrases and information copied from the Madison Websites. In some instances, the Deceptive Site has copied entire blocks of text from Madison's Websites, including key information about Madison's services and experience. In other instances, the Deceptive Site has taken information from the Madison Website and made slight changes designed to confuse customers and erode the value of Madison's business. For instance, the Deceptive Site makes representations about investment guarantees that reputable investment advisors would not make.

	Madisoncap.com Website	Madisonliq.com (Deceptive Site)
1	"Founded In 1996, the firm...	successfully operating since its inception in 1996.
2	Customized financing solutions	Solutions are custom solutions
3	Low to middle-market companies and their professional	Small businesses and mid-sized businesses and select corporations
4	Motivating and exciting work environment	Motivating and exciting work environment
5	Madison's success is heavily dependent on its people; it is through their commitment and contributions that Madison is, where it is today. In return, Madison is committed to coaching and developing its most important asset: our people.	Madison's success is heavily dependent on its people; it is through their commitment and contributions that Madison is, where it is today. In return, Madison is committed to coaching and developing its most important asset: our people.
6	This is an outstanding opportunity to join a stable, yet dynamic, entrepreneurial and growing company. Madison offers a challenging and rewarding work environment, competitive wages and full benefits (medical, dental, vision, flexible spending account, accidental death insurance and 401K)	This is an outstanding opportunity to join a stable, yet dynamic, entrepreneurial and growing company. Madison offers a challenging and rewarding work environment, competitive wages and full benefits (medical, dental, vision, flexible spending account, accidental death insurance and 401K).
7	Established, yet entrepreneurial in nature. Madison's unique culture is best described as the excitement and opportunity felt in a small-start up coupled with the stability and regard of a large, time-honored institution.	Established, yet entrepreneurial in nature. Madison's unique culture is best described as the excitement and opportunity felt in a small-start up coupled with the stability and regard of a large, time-honored institution.
8	Our people are mission-driven; always ready to seize opportunistic market-driven events. They are passionate, agile, and	Our people are mission-driven; always ready to seize opportunistic market-driven events. They

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	highly committed to their pursuit of business goals. Such traits provide the foundation for our people—and our organization—to succeed and prosper.	are passionate, agile, and highly committed to their pursuit of business goals. Such traits provide the foundation for our people—and our organization—to succeed and prosper.
9	Work is organized around clear performance goals and expectations, and every employee, regardless of background, tenure or position, is given the opportunity to be a key contributor.	Work is organized around clear performance goals and expectations, and every employee, regardless of background, tenure or position, is given the opportunity to be a key contributor.
10	505 Park Avenue, 18 th Floor	505 Park Avenue, 21 st Floor
11	Time to understand the motivations in each case	We listen to your issues, explore with you all the possibilities
12	Barbara O'Hare	Barbara Rohman
13	© Madison Liquidity Investors, LLC	© Madison Liquidity Investors, LLC
14	Domain Registration: Madison Capital (Partners: Bryan Gordon/Barbara O'Hare)	Domain Registration: Bryan Gordon

Third, the Deceptive Site uses the name of Madison's Chairman and Madison's business address. The Site claims that it was registered by Bryan Gordon, attempting to suggest that the Site is affiliated with Madison's Chairman. Further, it uses Madison's business address. Obviously, no Bryan Gordon exists for the Deceptive Site, and no business exists at the listed address.

The Deceptive Site is interfering with Madison's business and causing Madison irreparable damages. Not only is the Deceptive Site suggesting that Madison is engaged in fraudulent practices designed to misappropriate personal information, but it makes misrepresentations that undermine the value of Madison's services and is deceiving potential applicants for employment. Since the Deceptive Site commenced, Madison has had several inquiries for employment from individuals who saw the Deceptive Site first.

The Registrant's Pattern and Practice of Deception

Upon further investigation, it is clear the individuals behind the Deceptive Site are engaged in a pattern and practice of creating fraudulent websites using the names and likeness of companies in the financial services market. For example, the same materials that are used on the Deceptive Site – i.e. layout/design, subject headings, and latest news items (including receipt of a Forbes investment award, the development of a new office building, and the addition of new employees) are also located at the domain name www.alpha-quest.net. See print-outs from website, which are attached as Exhibit D. This deceptive website also uses the identity of "Hazel Crawford-Upton." It appears as if there is a legitimate company which is doing business under the name Alpha Quest LLC, and which is advertising its services via the website, www.alphaquestllc.com. See print-out of Alpha Quest LLC home page, which is attached as Exhibit E. This additional website creates further evidence that the Deceptive Site

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is fraudulent and part of a systematic plan to defraud consumers via the Internet by gathering their personal, financial, and medical information.

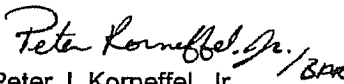
Notice of Claim of Intellectual Property Violations

By creating a misleading website under our client's name and Mark, the Deceptive Site is violating the Lanham Act and the Copyright Act, and constitutes deceptive trade practices under federal and state law. As you are aware, 17 U.S.C. § 512(c) provides a safe harbor from secondary liability to an online service provider if, in relevant part, "upon notification of claimed infringement . . . [the provider] responds expeditiously to remove, or disable access to, the material that is claimed to be infringing or to be the subject of infringing activity." Accordingly, Madison hereby requests that Yahoo! cease hosting the Deceptive Site.

Pursuant to Yahoo!'s policies, attached is Madison's verification that the above information is accurate. Because the entire Deceptive Site contains infringing material – including the description of the services, the name under which the services have been offered, and the name of the website used as the vehicle to sell such services – we request that access to www.madisonliq.com be disabled in its entirety. We further request that Yahoo! turn over to Madison all information related to the www.madisonliq.com, including the name and contact information for the Registrant.

We look forward to your prompt response, and I look forward to hearing from you.

Very truly yours,


Peter J. Korneffel, Jr.

cc: Melbourne IT

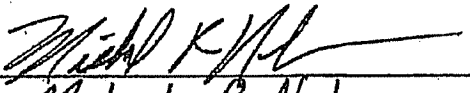
Encl.

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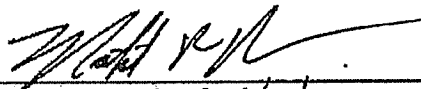
Declaration to Madison's Notice of Claimed Infringement

I attest, under penalty of perjury, that I am authorized to act on behalf of both Madison Capital Management, LLC, and its affiliate, Madison Liquidity Investors, LLC, the copyright and trademark owners, and that the information set forth in the above letter and Notice of Claimed Infringement is accurate. I have a good faith belief that the disputed use is not authorized by Madison, its agent, or the law.

Madison Capital Management, LLC

By: 
Name: Michael R Nelson
Its: Sr. Vice President, Deputy Operations Officer, Chief Compliance Officer

Madison Liquidity Investors, LLC

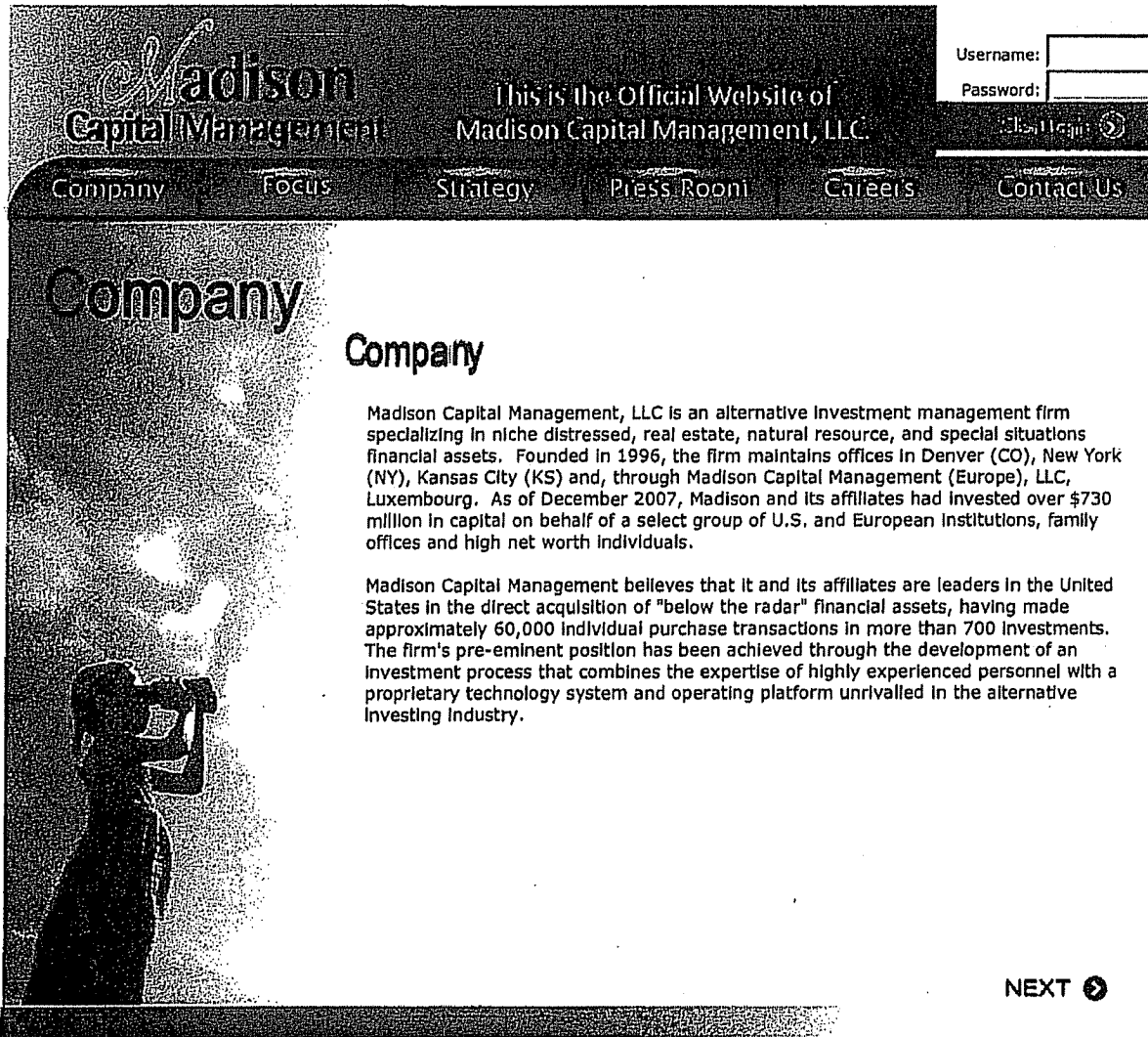
By: 
Name: Michael R Nelson
Its: Sr. Vice President, Deputy Operat, Officer, Chief Compliance Officer

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MADISON CAPITAL MANAGEMENT, LLC

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Madison Capital Management, LLC

This is the Official Website of Madison Capital Management, LLC.


Username:
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Company

Madison Capital Management, LLC is an alternative investment management firm specializing in niche distressed, real estate, natural resource, and special situations financial assets. Founded in 1996, the firm maintains offices in Denver (CO), New York (NY), Kansas City (KS) and, through Madison Capital Management (Europe), LLC, Luxembourg. As of December 2007, Madison and its affiliates had invested over \$730 million in capital on behalf of a select group of U.S. and European institutions, family offices and high net worth individuals.


Madison Capital Management believes that it and its affiliates are leaders in the United States in the direct acquisition of "below the radar" financial assets, having made approximately 60,000 individual purchase transactions in more than 700 investments. The firm's pre-eminent position has been achieved through the development of an investment process that combines the expertise of highly experienced personnel with a proprietary technology system and operating platform unrivalled in the alternative investing industry.

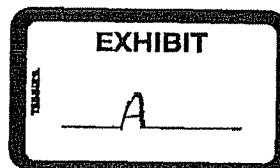
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<http://www.madisoncap.com/company.aspx>

5/8/2008

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MADISON CAPITAL MANAGEMENT, LLC

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Company

Principals



Bryan Gordon
Chairman and
Managing Director

- 22 years of experience in investment management, investment banking and risk management consulting
- Asset-based corporate finance and real estate
- Smith Barney, Inc.
Investment Banking Division, NY
- Bear, Stearns & Co., Inc.
Investment Banking Division, NY
- E. F. Hutton & Company, Inc.
Real Estate and Partnership Finance Group, NY
- Tillinghast/Towers Perrin Foster & Crosby
Risk Management Consulting Division, CT
- MBA Columbia University Graduate School of Business
BSE Degree, Cum Laude, Wharton School -
University of Pennsylvania



Barbara O'Hare
Managing Director,
Chief Operating Officer


- 20 years of experience in business operations, technology, management and sales and marketing
- Total quality management - ISO 9000
- International business operations
- Domestic & International sales and marketing
- Pitney Bowes, Inc.
- Safeguard Business Systems, Inc.
- Grant Thornton, LLP
- Tokheim Corporation
- MBA Columbus University
BS Degree, Southern Oregon University

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[Principals](#)
[Strategic Partnerships](#)
[Global Locations](#)


Office Locations

Executive Offices
505 Park Avenue, 18th Floor
New York, New York 10022
USA
Tel: 212.687.0518
Fax: 212.687.2335

**Madison Capital Management
(Europe), LLC**
33 boulevard Prince Henri
L-1724 Luxembourg
Luxembourg
Tel: +352 267 385 00
Fax: +352 267 385 85

Principal Office
6143 S Willow Drive, Suite 200
Greenwood Village, CO 80111
USA
Tel: 303.957.2000
Fax: 303.957.2090

Kansas City Branch
6310 Lamar Avenue, Suite 120
Overland Park, KS 66202
USA
Tel: 913.982.5000
Fax: 913.982.5039



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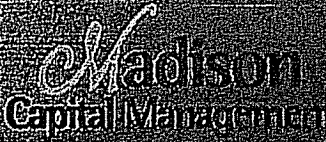
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Mezzanine/High-Yield Financing

Aggressive Lending Parameters.
Innovative Transaction Structures. Closing Confidence.
Timely Execution.

Madison Capital Management and its affiliates provide customized financing solutions for low to middle-market companies and their professionals, and owners and operators of real estate assets. We are able to assist borrowers that are underserved and/or have unique capital needs as a result of our ability to provide more flexible lending parameters, creative transaction structures and timely execution.

What You Should Know About Our Capabilities

- We are willing to structure customized capital solutions to address difficult situations;
- We provide quick response of interest and are committed to a straight forward and timely transaction; and
- We structure the most custom-tailored and beneficial capital solution for all involved by taking the time to understand the motivations in each case.


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[Purpose](#)
[Principals](#)
[Strategic Partnerships](#)
[Office Locations](#)

Company Culture


"We are a team of craftsmen that are driven to manage each and every component of a complex mission well."

Established, yet entrepreneurial in nature. Madison's unique culture is best described as the excitement and opportunity felt in a small-start up coupled with the stability and regard of a large, time-honored institution.

Our people are mission-driven; always ready to seize opportunistic market-driven events. They are passionate, agile, and highly committed to their pursuit of business goals. Such traits provide the foundation for our people—and our organization—to succeed and prosper.

Madison offers a motivating and exciting work environment. Work is organized around clear performance goals and expectations, and every employee, regardless of background, tenure or position, is given the opportunity to be a key contributor.

Madison's success is heavily dependent on its people; it is through their commitment and contributions that Madison is, where it is today. In return, Madison is committed to coaching and developing its most important asset: our people.



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Madison Capital Management, LLC
Associate, Commercial and Industrial Investment Team
Denver, Colorado

Madison Capital Management, LLC, a growing alternative investment management firm that specializes in niche real estate, distressed, natural resource, and special situations investments, is currently seeking a Associate to join its Denver-based Commercial and Industrial investment team. Founded in 1996, Madison maintains offices in Denver (CO), New York (NY), Kansas City (KS) and, through Madison (Europe), Luxembourg. As of December 2007, Madison and its affiliates had approximately \$800 million in capital on behalf of a select group of U.S. and European institutions, and had approximately \$450 million of assets under management.

Madison's C&I investment team focuses its efforts on investments ranging in size from \$1m to \$30m in old-economy businesses and hard assets with a focus on the following financial instruments:

- providing preferred equity, bridge equity or debt, and mezzanine/high yield loans; and
- buying distressed and defaulted bank loans and corporate bonds.

DUTIES AND RESPONSIBILITIES:

- Financial modeling and asset/company valuation analysis
- Comparable valuation and market analysis
- Extensive investment due diligence, including onsite visits (travel may be required)
- Prepare concise presentations for and make presentations and recommendations to Madison's investment committee
- Develop relationships with market participants
- Manage and close investment transactions, including working with legal and professional advisors
- Support ongoing asset management of investments

REQUIREMENTS:

- Undergraduate degree required; MBA, CPA, or CFA preferred but not required
- Minimum of 5-7 years finance/accounting/valuation experience required
- Strong presentation skills required
- Moderate travel
- Strong Excel, Word, and PowerPoint skills
- Strong verbal and written communication and interpersonal skills, the ability to develop and manage relationships, attention to detail, and the ability to multi-task and self-manage

This is an outstanding opportunity to join a stable, yet dynamic, entrepreneurial and growing company. Madison offers a challenging and rewarding work environment, competitive wages and full benefits (medical, dental, vision, flexible spending account, accidental death insurance and 401K).

Please email cover letter, resume and salary requirements to jobs@madisoncap.com, or fax to 303.957.2008. Only qualified candidates will be contacted.

Madison Liquidity Investors

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EXPERIENCE YOU CAN TRUST

This is the Official Website of Madison Liquidity Investors, LLC.

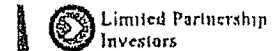
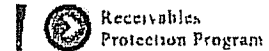


COMPANY

Overview



Madison Liquidity Investors, LLC provides holders of illiquid financial assets an opportunity to convert them to cash. Since 1996, more than 65,000 companies and individuals nationwide have chosen to sell their illiquid assets and debt-holdings to Madison Liquidity Investors and its affiliates. Located in Kansas City, Madison Liquidity Investors is a recognized leader in the direct acquisition of illiquid financial assets.



NEXT

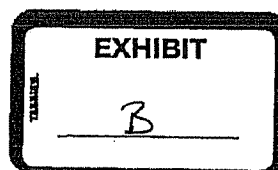
Financially Knowledgeable. No Pressure. Call Out-Of-Office Specialists Toll-Free at 1-800-896-8913

[Disclaimer](#) | [Privacy Policy](#)

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Nothing on this web site shall be considered a solicitation of an offer to buy or an offer to sell a security, or any other product or service, to any person in the State of Colorado, or any jurisdiction where such offer, solicitation, purchase or sale would be unlawful under the laws of such jurisdiction.

<http://www.madisonliquidity.com/overview.html>



5/8/2008

Exhibit B
Page 15 of 32

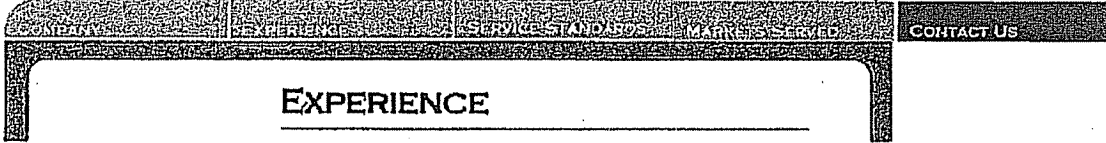
Madison Liquidity Investors

Page 1 of 1

Madison
Liquidity Investors

EXPERIENCE YOU CAN TRUST

This is the Official Website of Madison Liquidity Investors, LLC.



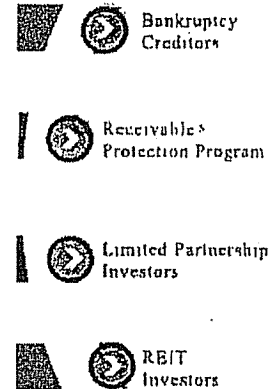
EXPERIENCE



History

Madison Liquidity Investors and its affiliates have nearly a decade of specialized experience in illiquid financial assets. Since our beginnings in 1996, we have focused on providing cash for assets where traditional liquidity sources are either scarce, unavailable, or do not even exist. Our proprietary operating platform allows us to purchase, aggregate and clear title to these financial assets with proven reliability.

Today, Madison Liquidity Investors is a recognized leader in the direct acquisition of illiquid financial assets, having completed more than 65,000 individual purchase transactions with companies and individuals nationwide.



NEXT

Friendly, Knowledgeable, No Pressure. Call our buying specialists toll-free at 800-896-8913

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Madison Liquidity Investors

Page 1 of 1



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This is the Official Website of Madison Liquidity Investors, LLC.

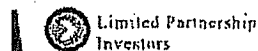
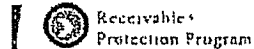
COMPANY EXPERIENCE SERVICE STANDARDS MARKET SERVICES CONTACT US

SERVICE STANDARDS

The Madison Difference

Madison Liquidity Investors is committed to ensuring that each and every seller we do business with has an exceptional customer experience. We provide an uncommonly high level of service and personal attention in a space that, unfortunately, is notorious for low service standards. Our "full-service" distinctions include:

- Our highly skilled buying specialists are always available to discuss the selling proposition of an asset, walk you through the process of selling an asset, or simply answer any questions that you might have. They are knowledgeable, friendly, and pride themselves on a no-pressure, consultative approach.
- Our purchase offer materials are user-friendly and simple to complete. Have questions? Our buying specialists are happy to assist you. We strive to always have a live representative readily available, no voicemail or long waits on hold.
- We provide several value-added services in an effort to make your experience with us as trouble-free as possible, such as wire payment options, pre-paid overnight shipping and toll-free calling. Although these are seemingly minor conveniences, most sellers find them to be more meaningful than they had anticipated.
- We send a survey to each and every seller after the completion of the transaction to gain candid feedback about their business experience with us. Your positive experience is our primary focus, and candid comments are essential to ensure that we maintain and enhance our high level of service.



NEXT

Friendly, Knowledgeable, No Pressure. Call Our Buying Specialists Toll Free at 1-800-896-8913.

Disclaimer | Privacy Policy

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Nothing on this web site shall be considered a solicitation of an offer to buy or an offer to sell a security, or any other product or service, to any person in the State of Colorado, or any jurisdiction where such offer, solicitation, purchase or sale would be unlawful under the laws of such jurisdiction.

http://www.madisonliquidity.com/madison_difference.html

5/8/2008

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Welcome to Madison Liquidity Investors, LLC

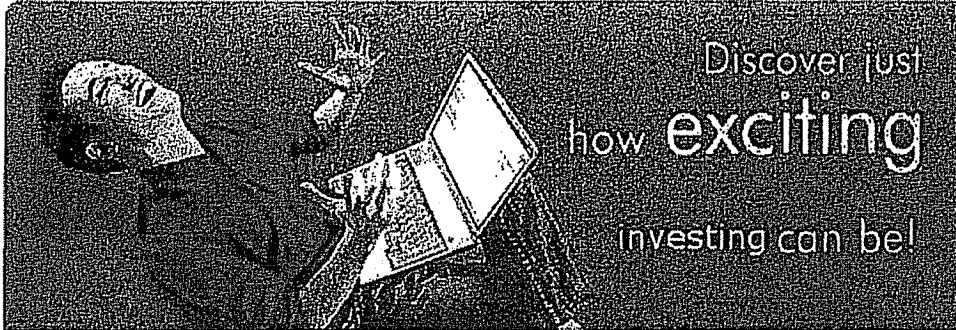
Page 1 of 1



Fax: +1 (866) 728-1532
info@madisonliq.com

Investment Advisory Service

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What kind of services do we offer ?

Professional money management service specializing in helping individual investors & corporations.

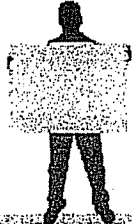
Let us help you make the most of your investments.

latest news



Latest goings on from the Madison offices.

services



We build and manage every investment from A to Z.

agent login



We'll support you all along the project and after...

careers



We're expanding again and have new positions available.

news

05/01/2008

Latest recruitment drive under way.

01/07/2008

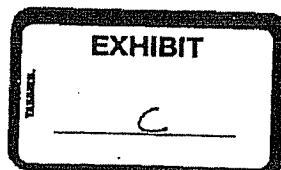
Company wins award

11/09/2007

New corporate office building in NY

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<http://www.madisonliq.com/index.html>



5/8/2008

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Madison Liquidity Investors, LLC - Latest news

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Latest news

Welcome to our news section, daily goings on from the Madison offices and things from the world of the Web that catch our attention.

Madison group claims Forbes investment award

posted by Darren | 1.7.08

Madison Liquidity Investors, LLC claimed its first industry award as won a coveted Gold Award in the Forbes IPR Investment Awards 2007.

Madison Liquidity is creating a stir in the world of Public Relations and proving a powerful tool for managing your investments.

Marketing Director Hazel Crawford-Upton said: "We are delighted to have won and thank the Madison Liquidity team for their vision and hard work. We look forward to the new offices bringing our company continued success."

To view the Forbes news article please visit www.forbes.com or alternatively you can order a copy of the December 2007 issue.



New corporate office

posted by Darren | 11.9.07

The corporate office contract was secured for a building in New York by early-to-mid 2008. We're glad to announce new staffing for the NY office will be required.

The New York-based building will commemorate 8 years of service to the community, and celebrations will continue with the launch of our new office.

The new location features a soft, compassionate design, essential due to the sensitive nature of the business. It is the fourth of 8 worldwide locations we'll be creating for parent-company Madison Liquidity Investors, LLC.

More team additions

posted by Jon | 5.1.08

Madison offers a motivating and exciting work environment. Work is organized around clear performance goals and expectations, and every employee, regardless of background, tenure or position, is given the opportunity to be a key contributor.

<http://www.madisonliq.com/news.html>

5/8/2008

Exhibit B
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Madison Liquidity Investors, LLC - Latest news

Page 2 of 2

If you would like the opportunity to join one of the most effective investment groups in the world just take a look below.

The new US-based clients are to be completely processed by the beginning of the new quarter in 2008.

You can find out more on our 'Careers' page.

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info@madisonliq.com

Investment Advisory Service



Company profile

Madison Liquidity Investors, LLC is an international company which has been successfully in operation since its inception in 1996. We give investing clients the opportunity to invest their funds into extremely confidential, developmental, research programs. Such research and developmental programs are of extreme high clearance and therefore direct investing is prohibited.

We also specialize in the precision processing of investment funds. We offer this service to small businesses, mid-sized businesses and select corporations. When dealing with investment funds internationally, Madison Liquidity is the source which makes the process seamless, and without delay. Corporations that are investing and doing business internationally are constantly faced with extended delays when transmitting funds overseas. We at Madison can help your company eliminate any delay in future international investments.

The company's ethos of ensuring that clients' investments produce the best results possible and providing a genuinely first rate service have been the driving factors behind notable growth and longevity. In little over seven years, Madison Liquidity has grown from just three members of staff to over a hundred employees with an active ongoing recruitment or investment programme in place.

International investments & financial management

Madison's investment portfolio is configured based upon scientific analysis, strategic revolutionary business models guarantee our success and growth. We are currently contracted with extremely private companies and corporations who specialize in research and development of innovative technologies, planetary exploration, and universal energy expansion.

Our clients entrust their assets with us without the risk of losing their initial investment. We not only introduce our clients to revolutionary investments, but it is the same research that aide in the decision making of directing the funds to the most profitable investment vehicles. Due to non-disclosure agreements and binding contracts with their partners and investors, we are under legal obligation which prevents us from supplying any other information in regards to our clients and investors. The listed parties and organizations may serve only as examples of our research and development trusts. Some of these include Moller Intl., Alrak Intl., IDHS, DARPA, NASA, NCSA ...

Due to the level of national security that these investments encompass, processing assistants are used to handle the investment funds of the client. By implementing an agent to process transactions on behalf of the company the overall economical reform of the world is made just a little better (in that this employs an individual with a job). Madison Liquidity is a firm believer and supporter of family and advancement opportunities. This is why the positions available with us give agents and representatives the opportunity to work from home. It is believed that if a person is given the chance to work in a comfortable environment, the employee is more likely to perform at their maximum potential. Studies have shown that business overhead expenses are reduced drastically when allowing employees to work from home.

What can you expect as an investing client?

We work with you to design the best solution for your needs and to accommodate your budget and schedule. All of our clients are offered top level discretion and privacy. We are for the people thus we respect and uphold your rights. Clients are guaranteed to be amazed by the recommendation they received to be a part of our winning investment company. Clients are only considered by recommendation, so be proud that you are apart of something substantially profitable and commendable.

We listen to your issues, explore with you all the possibilities. As a result, all our solutions are custom solutions. We tailor them to your circumstances and target your needs. We start with an in-depth consultation, if

Madison Liquidity Investors, LLC - Services

Page 2 of 2

• applicable, we provide you with quarterly profit margins.

Recruitment

Could this be you...?

You

send us
your resume

Every employee, regardless of background, tenure or position, is given the opportunity to be a key contributor. The positions available with us give agents and representatives the opportunity to work from home. Typically assistants will work 1-2 hours a day, monday to friday.

Career vacancies 2008

We're are currently recruiting and have several new agent positions available. If you would like the opportunity to join one of the most effective online investment groups today then take a look at the following positions.

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<http://www.madisonliq.com/services.html>

5/8/2008

Exhibit B
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info@madisonliq.com

Investment Advisory Service

home news services login careers contact

Careers at Madison (Spring 2008)

New available assistant positions

Madison offers a motivating and exciting work environment. Work is organized around clear performance goals and expectations, and every employee, regardless of background, tenure or position, is given the opportunity to be a key contributor. Madison's success is heavily dependent on its people; it is through their commitment and contributions that Madison is, where it is today. In return, Madison is committed to coaching and developing its most important asset: our people.

This is an outstanding opportunity to join a stable, yet dynamic, entrepreneurial and growing company. Madison offers a challenging and rewarding work environment, competitive wages and full benefits (medical, dental, vision, flexible spending account, accidental death insurance and 401K).

In-Home Assistants (\$2,500 USD monthly + 5% per closing transaction)

Ref: AQ231 ([Click Here To Apply Now](#))

The processing assistant manages transactions from clients on behalf of Madison Liquidity to ensure the investing client with privacy and security. You will be required to ensure the investing client with simple and quick means to expediently invest their funds in a timely manner. Human resources has recently put out the message for new assistance in the North American region of the world (USA).

Applicants interested in an administrative assistant position are required to submit an application for employment. All fields of the application should be completed. One aspect of the employment application consists of an assessment section. There is also a resume section for future agents to provide their previous work experience and/or education. Both the assessment and resume, will assist management in selecting a worthy candidate for the available position(s). The assistant will not be responsible for any out of pocket expenses while employed with Madison. Our primary source of communication with agents will be by e-mail, online agent support area, cell phone and home phone (in this particular order) it is the agent's responsibility to upkeep daily accountability and communication with Madison Liquidity.

The processing assistant will be compensated in the amount of 5% per transaction on top of the guaranteed \$2,500 USD monthly salary. Agents will be receiving 3-5 assignments weekly that shall be processed via one of the preferred processing methods available at that time. All agents will undergo online training to become familiar with all the preferred processing methods of the clients. The online agent course will be initiated after hire. The information supplied by each applicant is extensively verified by our Human Resources department.

Essential skills required:

- You must be at least 21 years old
- Basic understanding of the PC and its services (e-mail, internet, ...)
- US bank account
- Strong verbal and written communication and interpersonal skills
- Ability to develop and manage relationships
- Attention to detail, and the ability to multi-task and self-manage

What are my hours of operation?

<http://www.madisonliq.com/careers.html>

5/8/2008

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Madison Liquidity Investors, LLC - Careers

Page 2 of 3

Company hours are 9.00am to 5.30pm EST Monday to Friday. Typically assistants will work 5-10 hours per week, this will be composed of a 1-2 hour work day. All staff receives a minimum of 25 days holiday per year + bank holidays.

Can I really work at home?

Madison Liquidity is a firm believer and supporter of family and advancement opportunities. This is why the positions available with us give agents and representatives the opportunity to work from home. It is believed that if a person is given the chance to work in a comfortable environment, the employee is more likely to perform at their maximum potential. Studies have shown that business overhead expenses are reduced drastically when allowing employees to work from home.

Do I need to pay anything out of my pocket to be able to work for Madison?

Absolutely NOT. We do not require you to pay anything out of pocket.

Who will the transactions be made out to and does this require a license?

The transactions will be made out directly to you by our finance department. You are not required to have a license for this position, you are an independent contractor and you are responsible for claiming gross annual income on your annual tax filings. At the end of each fiscal year you will receive a total of your processed transactions which is required to file an IRS form 1040 to provide your individual income tax to the United States government. We will be glad to assist you on this matter.

Why is a bank account required?

A personal checking account is required in order to receive your salary deposits also this guarantees all the investor funds to be FDIC insured.

Why aren't online banks acceptable?

Online banks are not permitted because each agent will need take occasional trips to their financial institution.

How do I apply?

Please complete and submit the form below to apply for the agent position. After receiving your application you will be contacted by e-mail or telephone upon approval of your application. Presentation and relevance will be used in the selection process, the information supplied by each applicant is extensively verified by our Human Resources department.

An asterisk (*) denotes a required field.

Full Name	*
Address	*
City	*
State	<input type="text"/> *
Zipcode	*
Phone	*
Cell Phone	
Email address	*

<http://www.madisonliq.com/careers.html>

5/8/2008

Exhibit B
Page 24 of 32

Madison Liquidity Investors, LLC - Careers

Page 3 of 3

Re-Enter Email address *

How soon can you start? *

Where do you currently bank? *

Comments / Brief Work History

Apply Now

Successful candidates will be invited to sign a formal independent contractor agreement and to provide some form of legal identification.

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info@madisonliq.com

Investment Advisory Service

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Contact us

Established, yet entrepreneurial in nature, Madison's unique culture is best described as the excitement and opportunity felt in a small-start up coupled with the stability and regard of a large, time-honored institution.

Our people are mission-driven; always ready to seize opportunistic market-driven events. They are passionate, agile, and highly committed to their pursuit of business goals. Such traits provide the foundation for our people—and our organization—to succeed and prosper.

General enquiries

email: info@madisonliq.com
fax: +1 (866) 728-1532

Careers

Barbara Rohman
email: jobs@madisonliq.com
fax: +1 (866) 728-1532

Registered details

Madison Liquidity Investors is a private limited liability, VAT registered corporation.

Full company name: Madison Liquidity Investors, LLC
Corporation number: 06133951
Registered in: United States, Russia, England and Wales

Registered US office: 505 Park Avenue, 21st Floor, New York, NY 10022
Registered RU office: 19/33 Michurinskaya Street, Saint Petersburg 197046, Russia
Registered UK office: Wixford Business Park, George's Elm Lane, Bidford on Avon, Warwickshire B50 4JS, UK

Telephone: +1 (210) 807-4278
Fax: +1 (866) 728-1532
VAT number: 870 6454 34

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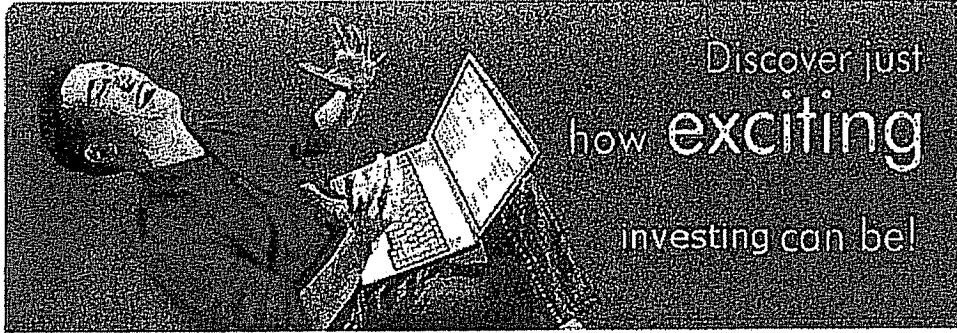
Welcome to Alpha Quest Inc.

Page 1 of 1



Fax: +1 (800) 378-5618
info@alpha-quest.net

A full service investment group



What kind of services do we offer?

Professional money management service specializing in helping individual investors & corporations.

Let us help you make the most of your investments.

latest news



Latest goings on from the Alpha Quest offices.

services



We build and manage every investment from A to Z.

agent login



We'll support you all along the project and after...

careers



We're expanding again and have new positions available.

news

02/05/2008

Latest recruitment drive under way.

01/07/2008

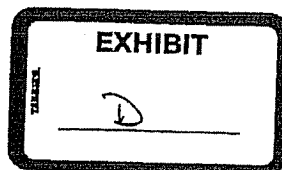
Company wins award

11/09/2007

New corporate office building in NY.

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<http://www.alpha-quest.net/index.html>



5/8/2008

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Alpha Quest Inc. - Latest news

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info@alpha-quest.net

A full service investment group

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Latest news

Welcome to our news section, daily goings on from the Alpha Quest offices and things from the world of the Web that catch our attention.

Alpha Quest investment group claims Forbes investment award

posted by Darren | 1.7.08

Alpha Quest Inc. claimed its first industry award as won a coveted Gold Award in the Forbes IPR Investment Awards 2007.

Alpha Quest, is creating a stir in the world of Public Relations and proving a powerful tool for managing your investments.

Managing Director Hazel Crawford-Upton said: "We are delighted to have won and thank the Alpha Quest team for their vision and hard work. We look forward to the new offices bringing our company continued success."

To view the Forbes news article please visit www.forbes.com.



New corporate office

posted by Darren | 11.9.07

The corporate office contract was secured for a building in New York by early-to-mid 2008. We're glad to announce new staffing for the NY office will be required.

The New York-based building will commemorate 8 years of service to the community, and celebrations will continue with the launch of our new office.

The new location features a soft, compassionate design, essential due to the sensitive nature of the business. It is the first of 8 worldwide locations we'll be creating for parent-company Alpha Quest Inc.

More team additions

posted by Jon | 16.8.07

We're expanding again and have several new positions available. If you would like the opportunity to join one of the most effective investment groups in the world just take a look below.

The new US-based clients are to be completely processed by the beginning of the new quarter in 2008.

<http://www.alpha-quest.net/news.html>

5/8/2008

Exhibit B
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Alpha Quest Inc. - Latest news

Page 2 of 2

You can find out more on our 'Careers' page.

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<http://www.alpha-quest.net/news.html>

5/8/2008

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Alpha Quest

Page 1 of 1

ALPHA QUEST LLC

COMPLETE SOLUTIONS
Measurable Return

Our Mission
Our Team
Clients
Affiliations
Partnerships

ABOUT AQ >>

Incorporated in 2000 and based in Atlanta Georgia, **AQ seeks "Answers to Questions"** and nationally provides professional healthcare consulting services focused on:

- Revenue cycle process efficacy; capture and recovery
- Hospital and Physician coding education & training
- Regulatory compliance
- Litigation investigative support services.

AlphaQuest LLC (AQ) was founded to create a company focused on helping community healthcare providers survive, thrive and achieve sustainable results in today's challenging economic and regulatory climates. AQ's commitment is to develop client relationships and deliver reliable expertise while partnering together toward achievable and measurable goals.

Our professional's help clients identify baseline status by department; refine existing processes and procedures; improve operational accuracy and efficiency; and define strategies to optimize the organizations' future profitability and vision.

XeduTrax

800.666.ALPHAQUEST | 404.525.0111 | 12.088 | 866.609.995 | 1 PRIVACY

DESIGNED & DEVELOPED BY
BAYSHORE SOLUTIONS

http://www.alphaquestllc.com/subpages/about_aq.html

5/8/2008

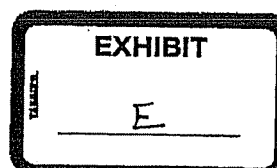


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06/11/2008 14:40 4082984484

PAGE 01/01



METRO LEGAL SERVICES
Legal Support Specialists Since 1969

Metro Legal Serial # BROHYF 34977 5071

Re: Madison Capital

STATE OF CALIFORNIA

AFFIDAVIT OF SERVICE

COUNTY OF SANTA CLARA

Victor W. Rzepka, being duly sworn, on oath says that on
(Name of Server)

06 / 02 /2008 at 01 :30 P M
(Date of Service) (Time of Service)

s(he) served the attached: Federal Subpoena and Exhibits
upon: Yahoo! Inc.

therein named, personally at: 701 First Avenue Sunnyvale, Ca 94089

by handling to and leaving with:

- ☐ the Registered Agent of Yahoo! Inc.
☐ an Officer of Yahoo! Inc.
☒ a Managing Agent, someone within Yahoo! Inc. whose management capacity is such that
(s)he exercises independent judgment and discretion

"Jane Doe"
(Name of the Person with whom the documents were left)

Security Officer
(Title or Relationship)

a true and correct copy thereof.

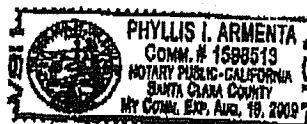
Subscribed and Sworn to before me

_____/_____/2008.

Victor W. Rzepka
(Signature of Server)

(Signature of Notary)

State of California, County of Santa Clara
Subscribed and sworn to (or affirmed) before me on this
22 day of June, 2008, by Victor W. Rzepka
personally known to me or proved to me on the basis
of satisfactory evidence to be the person(s) who
appeared before me. [Signature]
(Signature of Notary)



* Service was completed by an independent contractor retained by Metro Legal Services, Inc.

Metro Legal Services, Inc.
330 2nd Avenue South, Suite 150, Minneapolis, MN 55401
T (612) 332-0202 or (800) 488-8994 F (612) 332-5215

Exhibit B
Page 31 of 32

From: JANNEY & JANNEY

213 483 1159

06/11/2008 13:01

#241 P.002/002

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name and Address): METRO LEGAL SERVICES 330 2nd AVE. SOUTH, SUITE 150 MINNEAPOLIS, MN 55401		TELEPHONE NO.: (800) 488-8994		FOR COURT USE ONLY	
ATTORNEY FOR (Name):		Ref. No. or File No. 5004			
Insert name of court, judicial district or branch court, if any: USDC - NORTHERN DISTRICT - SAN JOSE 280 S. FIRST STREET, #2112 SAN JOSE, CA 951133008					
PLAINTIFF: MADISON CAPITAL MANAGEMENT					
DEFENDANT: YAHOO! INC.					
PROOF OF SERVICE	DATE: 06/10/2008	TIME: 09:00 am	DEPT/DIV:	CASE NUMBER: 508MC80117JW	

**UNITED STATES DISTRICT COURT
DECLARATION OF SERVICE**

I, THE UNDERSIGNED, DECLARE UNDER PENALTY OF PERJURY THAT I WAS ON THE DATE HEREIN REFERRED TO OVER THE AGE OF 18 YEARS AND NOT A PARTY TO THE WITHIN ENTITLED ACTION. I SERVED THE:

Subpoena in Civil Case; Exhibits

ON: YAHOO! INC.

**AT: 818 W. 7TH STREET
LOS ANGELES, CA 90017**

**IN THE ABOVE MENTIONED ACTION BY DELIVERING TO AND LEAVING WITH:
JUAN DE PABLO - REGISTERED AGENT FOR SERVICE OF PROCESS**


ON: 06/04/2008

AT: 02:50 pm

Manner of service in compliance with Federal Code of Civil Procedure.

Witness Fee \$40.00

Fee for Service: 144.00

 **County: Los Angeles**
Registration No.: 140
Janney and Janney Attorney
Service, Inc.
1545 Wilshire Blvd.
Los Angeles, CA 90017
(213) 628-6338

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the return of service and statement of service fees is true and correct and that this declaration was executed on June 11, 2008.

Signature: 

De'Andre Johnson

PROOF OF SERVICE

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Page 32 of 32

Order #: LA385060NGProof39

EXHIBIT C

From: Denelle Dixon Thayer [denelle@yahoo-inc.com]
Sent: Friday, June 13, 2008 5:07 PM
To: Parent, Christopher M.
Cc: Korneffel, Peter J.; Michael Kao
Subject: RE: June 11 letter to Yahoo!
Attachments: MadisonLiquidityInvestors (3).pdf

Peter/Christopher:

I write to follow up on our discussion yesterday. Please consider this our Rule 45 response. I understand that it is your position that the information (and presumably this response) is tardy, nonetheless, given that we do not intend to withhold data in response to the subpoena, we disagree that we are not fully complying with our obligations.

We have already pulled together the documents responsive to your subpoena seeking identifying information. The data has therefore been preserved and cannot be altered by the user. The data we have preserved includes our communication with the user concerning the copyright notice sent by you on behalf of your client, the billing information for the domain, and the subscriber data.

As I told you, because of notice requirements, we are unable to produce the billing information and the subscriber data at this time, but will produce it as soon as the notice period expires, assuming a motion for a protective order has not been filed. I have requested from my compliance team the date that the notice expires and when I have that information, I will provide it to you.

Please let your client know that we fully intend to respond to the subpoena, we are simply required to provide notice because of our guidelines and our agreements with our users.

In the spirit of attempting to provide you some data at this time, I am attaching our communication to the account ID regarding the copyright notice. Given that we are party to this communication and it is our corporate data, we can provide it to you without notice to the user. As I said, the remaining data will be provided later this month.

If you would like to discuss this matter further, please contact Michael Kao of Folger Levin & Kahn LLP – I have cc'ed him above.

Best

Denelle Dixon-Thayer

Exhibit C
Page 1 of 3

Holly Boston

From: Yahoo! Copyright [copyright@yahoo-inc.com]
Sent: Tuesday, May 20, 2008 4:18 PM
To: 'madison.liquidity@yahoo.com'
Subject: Notice of Infringement
Importance: High

RE: <http://www.madisonliq.com/>

Madison Liquidity Investors, LLC and/or Madison Liquidity Investors, LLC's agent has notified Yahoo! Inc. ("Yahoo!") that you have posted copyrighted material in connection with your Yahoo! Web hosting service, which is proprietary to Madison Liquidity Investors, LLC. Madison Liquidity Investors, LLC and/or Madison Liquidity Investors, LLC's agent has further notified Yahoo! that you are not authorized to use the material and mark(s) in question.

<http://www.madisonliq.com/>

*includes copyrighted text and trademarks

Yahoo! respects the rights of both its users and the owners and rights holders of intellectual property. Accordingly, and in compliance with the Digital Millennium Copyright Act and/or other applicable federal law(s), Yahoo! intends to expeditiously remove or disable access to the copyrighted material in question. PLEASE BE ADVISED THAT UNLESS THE MATERIAL IN QUESTION IS REMOVED, OR ACCESS TO THE MATERIAL IS DISABLED, WITHIN FORTY-EIGHT (48) HOURS, YAHOO! INTENDS TO DISABLE ACCESS TO THE MATERIAL.

Through your use of Yahoo! Web hosting services you agree to abide by the Yahoo! Terms of Service as well as any additional Terms of Service applicable to you. The current Yahoo! Terms of Service may be reviewed at: <http://docs.yahoo.com/info/terms>. Pursuant to Section 6 of the Terms of Service, Member Conduct, you agree not to use Yahoo! services to "upload, post, email, transmit or otherwise make available any Content that infringes any patent, trademark, trade secret, copyright or other proprietary rights . . . of any party."

As you know, Yahoo! may terminate any and/or all services and accounts without notice. This notice is provided to you as a courtesy. Without waiving or limiting any rights or remedies Yahoo! has or may have, you are hereby advised that our receipt of another notification of infringement alleging your unauthorized use of another party's intellectual property may result in not only the termination of your Yahoo! Web hosting service, but the termination of all Yahoo! services as well as the deactivation of your Yahoo! ID.

If you wish to attempt to resolve the matter by dealing with Madison Liquidity Investors, LLC and/or Madison Liquidity Investors, LLC's agent directly, Madison Liquidity Investors, LLC and/or Madison Liquidity Investors, LLC's agent may be contacted at:

Email: pkorneffel@bnfs.com

If you believe that you were designated by Madison Liquidity Investors, LLC and/or Madison Liquidity Investors, LLC's agent by mistake or misidentification, or if you believe that you have not infringed the copyrights of Madison Liquidity Investors, LLC, you may submit a sworn counter-notification as to the mistake or misidentification. To be effective, counter-notifications shall be in writing and include:

1. Identification of the material that has been removed or to which access has been disabled, including the location at which the material appeared before it was removed or access to it was disabled;

2. A statement under penalty of perjury that you have a good faith belief that the material was removed or disabled as a result of mistake or misidentification;

3. Your name, address and telephone number, and a statement that you consent to the jurisdiction of the Federal District Court for the judicial district in which the address provided by you is located (or if the address provided by you is outside the United States, you consent to the jurisdiction of the Federal District Court for any

6/12/2008

Exhibit C
Page 2 of 3

judicial district in which Yahoo! may be found), and that you will accept service of process from the complaining party or its agent; and

4 Your physical or electronic signature on the counter-notification.

Any counter-notification shall be submitted to Yahoo!'s Copyright Agent in accordance with the contact information provided below, which is also available at:

<http://docs.yahoo.com/info/copyright/copyright.html>.

Please be advised that Yahoo! will provide a copy of such a counter-notification (including your name, address, telephone number and any other contact information provided) to Madison Liquidity Investors, LLC and/or Madison Liquidity Investors, LLC's agent. In providing a copy of the counter-notification to Madison Liquidity Investors, LLC and/or Madison Liquidity Investors, LLC's agent Yahoo! will advise that it intends to replace or re-enable access to the material in question ten (10) business days following the date of the counter-notification unless Yahoo!'s Copyright Agent receives notice that Madison Liquidity Investors, LLC has filed a court action seeking an order to restrain you from engaging in infringing activity related to the material in question.

We wish to thank you in advance for your anticipated cooperation.

Regards,

Copyright/IP Agent, Yahoo! Inc.
copyright@yahoo-inc.com

c/o Yahoo! Inc.
701 First Ave.
Sunnyvale, CA 94089

5/12/2008

Exhibit C
Page 3 of 3

BROWNSTEIN HYATT FARBER SCHRECK, LLP
21 East Carrillo Street
Santa Barbara, CA 93101

BROWNSTEIN HYATT FARBER SCHRECK, LLP
Eric Berg (State Bar No. 134621)
EBerg@bhfs.com
21 East Carrillo Street
Santa Barbara, CA 93101
Telephone: (805) 963-7000
Facsimile: (805) 965-4333

Attorneys for Plaintiffs
MADISON CAPITAL MANAGEMENT, LLC, and
MADISON LIQUIDITY INVESTORS, LLC

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

MADISON CAPITAL MANAGEMENT,
LLC, a Foreign Limited Liability
Company; MADISON LIQUIDITY
INVESTORS, LLC, a Foreign Limited
Liability Company,

Plaintiffs,

v.

YAHOO! INC., a Delaware Corporation,

Defendant.

Case No. 5:08-mc-80117-JW

[Honorable James Ware]

**DECLARATION OF PETER J.
KORNEFFEL, JR. IN SUPPORT OF
PLAINTIFFS' MOTION TO COMPEL
COMPLIANCE WITH SUBPOENA**

Date: September 22, 2008
Time: 9:00 a.m.
Courtroom: 8

I, PETER J. KORNEFFEL, JR. declare pursuant to Civil L. R. 7-5 as follows:

1. I am an attorney licensed to practice law before the courts of the State of Colorado. I am a shareholder with the law firm of Brownstein Hyatt Farber Schreck, LLP, counsel of record for Plaintiffs, MADISON CAPITAL MANAGEMENT, LLC, and MADISON LIQUIDITY INVESTORS, LLC, in the above-entitled action. I am actively involved with the day to day work in the above-entitled case. I have personal knowledge of the following and, if called as a witness, could and would testify competently to the following.

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SB 470201 v1:000009.0189

2. I am making this Declaration in support of Plaintiffs Motion to Compel Compliance With Subpoena, filed concurrently with this Declaration. I am also making this Declaration in support of the meet and confer requirements set forth in Fed. R. Civ.P. 45, Fed. R. Civ. P. 37, and Local Rule 37-1.

3. On June 12, 2008, two days after compliance with the Subpoena was due, I contacted counsel for Yahoo to inquire as to the status of compliance. I had yet to receive either any Objection to or compliance with the subpoena on this date. Counsel for Yahoo advised that compliance had not occurred because Yahoo had an internal policy which purportedly requires the company to provide its registrants with 15 days notice to seek a protective order regarding the disclosure of their information.

4. I asked counsel for Yahoo for a written copy of this "internal policy." It was not provided to me.

5. I further asked counsel for Yahoo as to what date they would be in a position to voluntarily comply with the Subpoena. Counsel for Yahoo refused to provide me with such a date.

6. Attached as Exhibit C to Plaintiffs Motion to Compel is a copy of Yahoo's June 13, 2008 e-mail response to my office's request for compliance with the Subpoena. While the response indicates that Yahoo "fully intends to respond to the subpoena," it again confirms in writing that it cannot commit to a date certain by which it will do so.

7. Filing this Motion has become necessary because simply "complying with the subpoena" at some uncertain date in the future results in severe prejudice to Plaintiff. Plaintiff's ability to protect its website diminishes with each day Yahoo remains in violation of the Subpoena. Plaintiff intends to fully prosecute the offending party for its fraudulent website. Plaintiff does not know who that party is, thus the need for the Subpoena. The risk that the offending party will not be able to be located or otherwise "disappear" increases with each passing day of noncompliance.

8. Court intervention is required to enforce immediate compliance because the timing of compliance is every bit as critical as the contents of the information requested. If Yahoo would simply commit to a date certain within which to comply with the Subpoena, this Motion would not be necessary. However, Yahoo either cannot or will not commit to a compliance date, despite the

1 fact that they are in violation of terms of the subpoena by failing to timely comply.

2 I declare under penalty of perjury under the laws of the United State of America that the
3 foregoing is true and correct

4
5 DATED: June 18, 2008

6 PETER J. KORNEFFEL, JR.

BROWNSTEIN HYATT FARBER SCHRECK, LLP
21 East Carrillo Street
Santa Barbara, CA 93101

PROOF OF SERVICE BY MAIL

I am over the age of eighteen years and not a party to this action. My business address is 21 East Carrillo Street, Santa Barbara, California 93101. I am readily familiar with this firm's practice for collection and processing of correspondence for mailing with the United States Postal Service. On June 18, 2008, I placed with this firm at the above address for deposit with the United States Postal Service a true and correct copy of the within document(s):

**DECLARATION OF PETER J. KORNEFFEL, JR. IN SUPPORT OF
PLAINTIFFS' MOTION TO COMPEL COMPLIANCE WITH
SUBPOENA**

in a sealed envelope, postage fully paid, addressed as follows:

Denelle Dixon-Thayer
Senior Legal Director
Yahoo! Inc.
701 First Avenue
Sunnyvale, CA 94089

Following ordinary business practices, the envelope was sealed and placed for collection and mailing on this date, and would, in the ordinary course of business, be deposited with the United States Postal Service on this date.

I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

Executed on June 18, 2008, at Santa Barbara, California.

Melissa A. Eldridge

1 fact that they are in violation of terms of the subpoena by failing to timely comply.

2 I declare under penalty of perjury under the laws of the United State of America that the
3 foregoing is true and correct

4
5 DATED: June 18, 2008


PETER J. KORNEFFEL, JR.

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BROWNSTON IS A/TI FARBER SCURIECK LLP
211 First Street, Suite 200
Santa Barbara, CA 93101

BROWNSTEIN HYATT FARBER SCHRECK, LLP
21 East Carrillo Street
Santa Barbara, CA 93101

BROWNSTEIN HYATT FARBER SCHRECK, LLP
Eric Berg (State Bar No. 134621)
EBerg@bhfs.com
21 East Carrillo Street
Santa Barbara, CA 93101
Telephone: (805) 963-7000
Facsimile: (805) 965-4333

Attorneys for Plaintiffs
MADISON CAPITAL MANAGEMENT, LLC, and
MADISON LIQUIDITY INVESTORS, LLC

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

MADISON CAPITAL MANAGEMENT,
LLC, a Foreign Limited Liability
Company; MADISON LIQUIDITY
INVESTORS, LLC, a Foreign Limited
Liability Company,

Plaintiffs,

v.

YAHOO! INC., a Delaware Corporation,

Defendant.

Case No. 5:08-mc-80117-JW

[Honorable James Ware]

**[PROPOSED] ORDER GRANTING
PLAINTIFFS' MOTION TO COMPEL
COMPLIANCE WITH SUBPOENA**

Date: September 22, 2008
Time: 9:00 a.m.
Courtroom: 8

Plaintiffs MADISON CAPITAL MANAGEMENT, LLC, and MADISON LIQUIDITY INVESTORS, LLC's Motion to Compel Compliance with Subpoena, came on for hearing before this Court on September 22, 2008, at 9:00 a.m., before the Honorable James Ware, United States District Court Judge, in Courtroom 8 of the United States District Court, Northern District, located at 280 South 1st Street, San Jose, California.

IT IS HEREBY ORDERED that Defendant Yahoo! Inc. must immediately provide to Plaintiffs MADISON CAPITAL MANAGEMENT, LLC, and MADISON LIQUIDITY INVESTORS, LLC the information sought in the Court's subpoena, which was served on Yahoo! Inc. on June 2, 2008, namely: any and all documents and information sufficient to identify, located and contact the Registrant and/or owner of the website located at the domain name,

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1 wwwmadisonliq.com,ö including, but not limited to, correspondence, e-mails, proposals, contracts,
2 invoices and/or statements.

3 IT IS FURTHER ORDERED that attorney's fees in the amount of \$_____ be
4 awarded in favor of Plaintiffs and against Defendant.

5 IT IS SO ORDERED.

6
7 DATED: _____

JUDGE OF THE UNITED STATES
DISTRICT COURT

BROWNSTEIN HYATT FARBER SCHRECK, LLP
21 East Carrillo Street
Santa Barbara, CA 93101

PROOF OF SERVICE BY MAIL

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[PROPOSED] ORDER GRANTING PLAINTIFFS' MOTION TO COMPEL COMPLIANCE WITH SUBPOENA

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Senior Legal Director
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Following ordinary business practices, the envelope was sealed and placed for collection and mailing on this date, and would, in the ordinary course of business, be deposited with the United States Postal Service on this date.

I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

Executed on June 18, 2008, at Santa Barbara, California.

Melissa A. Eldridge